



Regular Meeting Agenda
Planning Commission

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

Tuesday, June 11, 2019 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

ASSISTANT CITY ATTORNEY'S REPORT

Assistant City Attorney Cynthia Hasson

OPEN PUBLIC COMMENT PERIOD

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

ORDERS OF THE DAY

PUBLIC HEARINGS

1. 2018 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) COMPETITION: PUBLIC HEARING FOR DEVELOPMENT PROJECTS REQUESTING RESIDENTIAL DEVELOPMENT ALLOTMENTS PURSUANT TO THE CITY'S RDCS IN ACCORDANCE WITH CHAPTER 18.156 OF THE CITY OF MORGAN HILL MUNICIPAL CODE

Recommendation:

1. Open the public hearing;
2. Adjust scores as necessary;
3. Adopt resolution of final RDCS scores; and
4. Close the public hearing.

The Following are the 2018 RDCS Competition Applications:

A. RDCS2019-0001: WATSONVILLE - BLACKROCK:

Request for 12 residential building allotments. This is a multi-year request. The proposal includes 13 custom lots at full build-out. The property, identified by Assessor Parcel Number 779-02-023, is located at Watsonville Road and Santa Teresa Boulevard (Blackrock LLC A Calif LLC, Owner).

B. RDCS2019-0002: LLAGAS - SABINI/STROLATA:

Request for one residential building allotment. The proposal includes 4 custom lots at full build-out. The property, identified by Assessor Parcel Number 773-32-013, is located at the northeast end of Sabini Court (Strolata Properties, Owner).

C. RDCS2019-0003: TENNANT - OSITO HOLDINGS:

Request for 11 residential building allotments. The proposal includes 11 residential attached units at full build-out. The property, identified by Assessor Parcel Number 817-04-059, is located along Tennant Avenue, west of Vineyard Boulevard (Osito Holdings, LLC, Owner).

D. RDCS2019-0004: MONTEREY - DOBKIN:

Request for 115 residential building allotments. This is a multi-year request. The proposal includes 116 multi-family units at full build-out. The property, identified by Assessor Parcel Number 726-25-006, is located east side of Monterey Road opposite the southerly terminus of Old Monterey Road (Robert C. Dobkin Trustee & Et al., Owner).

E. RDCS2019-0005: MONTEREY - LUCKY SHING:

Request for 62 residential building allotments. This is a multi-year request. The proposal includes 62 multi-family units at full build-out. The property, identified by Assessor Parcel Number 725-01-018, is located at the northeast corner of Monterey Road and Burnett Avenue (Luckyshing, LLC, Owner).

F. RDCS2019-0006: HALF - BROOKFIELD:

Request for 246 residential building allotments. The proposal includes 247 residential attached units at full build-out. The property, identified by Assessor Parcel Number 728-30-001, is located on the north side of Half Road between Condit Road and Mission View Drive (Llagas, LLC, Owner).

G. RDCS2019-0007: SPRING - GIANCOLA:

Request for 26 residential building allotments. This is a multi-year request. The proposal includes 26 residential attached units at full build-out. The property, identified by Assessor Parcel Number 767-11-

030, is located on Spring Avenue between Lone Hill Drive and Barnell Avenue (Giancola Joseph Trustee & Et al., Owner).

H. RDCS2019-0008 DAKOTA - DUNNE:

Request for three residential building allotments. The proposal includes 4 single-family units at full build-out. The property, identified by Assessor Parcel Number 726-09-024, is located on Dakota Drive between Lotus Way and Corsica Way (Dunne Michael F. Jr. and Jonna Trustee, Owner).

2. SD2018-0002, DA2018-0001, EA2018-0004: OLD MONTEREY - KELLY VO - SUBDIVISION MAP, DEVELOPMENT AGREEMENT, AND ENVIRONMENTAL ASSESSMENT FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 764-24-061 LOCATED AT 18755 OLD MONTEREY ROAD AT THE SOUTHWEST CORNER OF OLD MONTEREY ROAD AND MUSTARD AVE.

Recommendation:

1. Open/Close public hearing;
2. Adopt resolution approving a Tentative Subdivision Map; and,
3. Adopt resolution recommending the City Council approve a Development Agreement.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

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

PUBLIC COMMENT

Members of the Public are entitled to directly address the Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Commission Chambers, and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Commission, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the Commission on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

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

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

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

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

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

AMERICANS WITH DISABILITIES ACT (ADA)

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



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 11, 2019

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

2018 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) COMPETITION: PUBLIC HEARING FOR DEVELOPMENT PROJECTS REQUESTING RESIDENTIAL DEVELOPMENT ALLOTMENTS PURSUANT TO THE CITY'S RDCS IN ACCORDANCE WITH CHAPTER 18.156 OF THE CITY OF MORGAN HILL MUNICIPAL CODE

RECOMMENDATION(S)

1. Open the public hearing;
2. Adjust scores as necessary;
3. Adopt resolution of final RDCS scores; and
4. Close the public hearing.

BACKGROUND:

The Planning Commission reviewed the Residential Development Control System (RDCS) applications at the May 28, 2019 meeting. Changes to the project narratives and point adjustments, as directed by the Planning Commission, are reflected in Attachment 3.

CONTINUED RDCS EVALUATION

At the May 28, 2019 Planning Commission meeting, the Commission requested additional information for the following project prior to adjusting the final score.

1. **RDCS2019-0006; HALF - BROOKFIELD:** The Planning Commission evaluated the project and agreed that the project should be scored as an attached project, as City staff had determined. There was an error in the calculation for Criteria 5-J – Open Space and one point was added for an attached project. The project score was raised from 157 to 158 points.

The following Objective Criteria have been reviewed further, as requested:

a. **Parks and Open Space Objective**

Criteria 5-I: Proximity to Public Parks

The applicant requested one point due to the project's proximity to the nearest trail entrance, stating that the nearest trail entrance is less than one-half mile to

the Madrone Channel Trail. The applicant has indicated that the distance from the trail to the center of the project is approximately 0.41 miles.

To be eligible for points, the RDCS Manual requires that the project be located within walking distance of an existing City of Morgan Hill or Santa Clara County park with recreational amenities available for public use without charge. The distance to the park is measured as the lineal distance a pedestrian would walk, from the average center point of housing in a project to the nearest entrance point of the park.

As requested by the Planning Commission, the City has researched whether trail access has been provided at the identified location.

It has been verified that the Water District has re-installed the barbed wire fence and gate along a majority of the Half Road right-of-way, and an opening has been retained at the Madrone Channel path at the southerly end of the Half Road right-of-way. The City would like to see this become a permanent connection and will pursue it in the future. A point correction is recommended which would result in a project score of 159.

Following the Planning Commission meeting, the applicant requested additional consideration for the following:

b. Project Quality Objective

Criteria 9-A: Exterior Building Design

The applicant has requested four points for Individual Residences-Attached Projects. The applicant believes that the scoring was too restrictive and should be rectified (Attachment 4).

Staff has reviewed the scoring, as requested by the applicant.

To be eligible for points for Individual Residences-Attached Projects, it must be determined that the projects large buildings were architecturally subdivided so that they appeared as individual residences or small groups of units. The criteria requires that buildings incorporate features such as window bays, balconies, porches and entrance vestibules, varied color schemes, and individual roof volumes to define individual units.

The project Narrative commitment stated “Plan 1 of the townhouses is a 2-story unit. Plan 1 is always at each end of the townhouse buildings. Between this and other design elements including entry porches, color application, and roof elements, individual units or small groups of units are created.”

Staff reviewed the project plans and the commitment statement and determined that the stated criteria had not been met. A point adjustment is not recommended.

If the Planning Commission agrees with the additional point adjustment recommended

for the trail entrance, the project would have a final score of 159 points and would not qualify for allotments. As previously stated, the property owners of this site have been actively marketing this residential property during the RDSCS competition cycle and the potential buyers have not been able to benefit completely from the RDSCS process, thus resulting in a lower scoring project. It is believed that the project has been scored consistent with the City's RDSCS criteria and that the project score should not be adjusted any further.

RDSCS ADJUSTED SCORES:

The Planning Commission adjusted scores from the May 28, 2019 meeting are summarized below:

A. Open/Market

1. **RDSCS2019-0004: MONTEREY - DOBKIN:** Request for 115 residential building allotments. This is a multi-year request. The proposal includes 116 multi-family units at full build-out. **The Planning Commission adjusted score is 173 points.**
2. **RDSCS2019-0005: MONTEREY – LUCKY SHING:** Request for 62 residential building allotments. This is a multi-year request. The proposal includes 62 multi-family units at full build-out. **Planning Commission adjusted score is 169 points.**
3. **RDSCS2019-0006; HALF - BROOKFIELD:** Request for 246 residential building allotments. The proposal includes 247 residential attached units at full build-out. **The Planning Commission adjusted score is 158 points (one additional point pending).**
4. **RDSCS2019-0007: SPRING – GIANCOLA:** Request for 26 residential building allotments. This is a multi-year request. The proposal includes 26 residential attached units at full build-out. **The Planning Commission adjusted score is 177 points.**

B. Micro Project

5. **RDSCS2019-0002: LLAGAS/SABINI - STROLATA:** Request for one residential building allotment. The proposal includes 4 custom lots at full build-out. **The Planning Commission adjusted score is 163 points.**
6. **RDSCS2019-0008: DAKOTA - DUNNE:** Request for three residential building allotments. The proposal includes 4 single-family units at full build-out. **The Planning Commission adjusted score is 175 points.**

C. Small Project

7. **RDCS2019-0003: TENNANT – OSITO HOLDINGS:** Request for 11 residential building allotments. The proposal includes 11 residential attached units at full build-out. **The Planning Commission adjusted score is 185 points.**

D. Custom Lot

8. **RDCS2019-0001: WATSONVILLE – BLACKROCK:** The applicant is requesting 12 residential building allotments. This is a 3-year multi-year request. The proposal includes 13 custom lots at full build-out. **The Planning Commission adjusted score is 155 points.**

CONCLUSION

The Planning Commission will complete their review of the RDCS applications and adopt a Resolution with the final RDCS scores. In accordance with Section 18.112.030 (Filing and processing of appeals) an appeal to the City Council shall be filed ten calendar days following the date the decision is rendered. The deadline to file an RDCS scoring appeal is June 21, 2019. Any appeal filed would be heard at the July 17, 2019 City Council meeting.

The Planning Commission will award allotments on July 23, 2019.

California Environmental Quality Act (CEQA):

The RDCS scoring and award of allotments is not a project subject to CEQA as it is an administrative activity that will not result in direct or indirect physical changes in the environment.

LINKS/ATTACHMENTS:

1. PC Resolution-RDCS Final Scores
2. EXHIBIT A-2018 RDCS Final Scores
3. RDCS Final Scores and Comments -June 11-2019
4. Applicant Letter (Half-Brookfield)- May 31, 2019
5. May 28, 2019- PC Staff Report and Related Attachments
6. RDCS2019-0001-WATSONVILLE-BLACKROCK-FINAL NARRATIVE
7. RDCS2019-0002-LLAGAS-SABINI-FINAL NARRATIVE
8. RDCS2019-0003-TENNANT-OSITO-FINAL NARRATIVE
9. RDCS2019-0004-MONTEREY-DOBKIN-FINAL NARRATIVE
10. RDCS2019-0005-MONTEREY-LUCKY SHING-FINAL NARRATIVE
11. RDCS2019-0006-HALF-BROOKFIELD-FINAL NARRATIVE
12. RDCS2019-0007-SPRING-GIANCOLA-FINAL NARRATIVE
13. RDCS2019-0008-DAKOTA-DUNNE-FINAL NARRATIVE

RESOLUTION NO.**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL APPROVING FINAL
PROJECT SCORES FOR THE 2018 RESIDENTIAL
DEVELOPMENT CONTROL SYSTEM (RDSCS)
COMPETITION.**

WHEREAS, the City of Morgan Hill has received applications requesting residential building allotments pursuant to Chapter 18.156 of the Morgan Hill Municipal Code; and

WHEREAS, Section 18.156.080.A of the Morgan Hill Municipal Code provides for the City to conduct a competition for allotments for development of residential units, except when the City Council cancels the competition; and

WHEREAS, the City Council determined on September 5, 2018 that a 2018 Residential Development Control System competition for residential development allotments would be held; and

WHEREAS, Section 18.156.120.E of the Morgan Hill Municipal Code further prescribes that the Community Development Director or Director's designee shall recommend point assignments to projects using criteria established by the City Council; and

WHEREAS, Section 18.156.120.F of the Morgan Hill Municipal Code further prescribes that the Planning Commission shall hold public hearing to consider the scoring recommendations and to make final determination of project scoring; and

WHEREAS, such requests were considered by the Planning Commission at its regular meetings of May 28, 2019 and June 11, 2019, at which time the Planning Commission recommended final scores for each application; and,

WHEREAS, testimony received at duly-noticed public hearings, along with exhibits and drawings and other materials have been considered in the review process;

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

SECTION 1: The final scores for each Residential Development Control System Project Application is hereby approved as contained in the attached Exhibits A.

SECTION 2: The distribution of residential building allotments shall be determined by the Planning Commission following City Council action with respect to any appeals of the Planning Commission's evaluation and any final modification of the project scores as contained in Exhibits A.

Resolution No.**Page - 2 -**

PASSED AND ADOPTED THIS 11th DAY OF JUNE 2019, AT A REGULAR MEETING OF
THE MORGAN HILL PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

LIAM DOWNEY, Chair

2018 Final Evaluations

EXHIBIT A- SUMMARY OF SCORES AND EVALUATION CRITERIA											
APPLICATION NUMBER	COMPETITION MANUAL CRITERIA	SCHOOLS	LOCATION	AFFORDABLE	HOUSING DIVERSITY	PARKS AND OPEN SPACE	ENVIRONMENTAL PROTECTION	TRANSPORTATION	MUNICIPAL INFRASTRUCTURE	PROJECT QUALITY	GRAND TOTAL
	MAX SCORE	10	22	34	23	29	22	15	10	35	200
RDCS2019-0001 WATSONVILLE - BLACKROCK		9	13	0	23	29	22	15	10	34	155
RDCS2019-0002 LLAGAS-SABINI		0	14	30	22	28	22	12	7	28	163
RDCS2019-0003 TENNANT-OSITO HOLDINGS		10	22	34	20	26	22	14	7	30	185
RDCS2019-0004 MONTEREY - DOBKIN		10	22	26	16	29	22	11	6	31	173
RDCS2019-0005 MONTEREY - LUCKY SHING		8	9	26	16	29	22	15	9	35	169
RDCS2019-0006 HALF-BROOKFIELD		5	15	26	22	20	22	15	6	28	159
RDCS2019-0007 SPRING - GIANCOLA		7	22	18	22	29	22	13	10	34	177
RDCS2019-0008 DAKOTA- DUNNE		8	20	18	23	28	22	12	10	34	175

2018 RDCS APPLICATIONS -SCORES AND COMMENTS

File No.		Narrative Objective and Section No.	Applicant	Planning Commissioner Questions/Comments	Staff Response to comments	Requested Score	City Initial Score	PC Adjusted Score	Final Score
RDCS2019-0001	Watsonville-Blackrock					176	155	155	155
		3. Affordable Housing- Criteria 3-B- Development of Affordable Units	We object to the score of no points for affordable housing in the Measure S application for the Quail Vineyards project. That score had the effect of disqualifying the project from obtaining entitlements under Measure S because it causes the project to fail to meet the 18 point minimum for the Affordable Housing category. As detailed (see letter), we believe that the project as proposed meets the letter and intent of Measure S.	Planning Commission did not recommended a point adjustment.	The applicant's proposed commitment to build one BMR unit and pay a fee for the fractional portion does not comply with the City's requirements as is. Per Morgan Hill Municipal Code Section 14.040.050, for-sale projects outside of downtown must deed restrict at least 15% of market rate units. During the competition, when staff is scoring the application, staff is only permitted to provide points for what is both required of the inclusionary housing ordinance, and consistent with the RDCS manual. Per inclusionary housing ordinance, the calculation is: 12 units X 15% = 1.8. A fraction of .5 of greater is rounded up to produce a unit; thus, 2 BMR units are required to meet the requirement for 18 points. MHMC section 14.04.040A, and the RDCS manual page 21 mandate that when a fraction .5 or higher results, construction of the next higher whole number of units be constructed. Staff does not have the authority or flexibility to permit alternatives; thus, 0 out of 18 points awarded. Additionally, the use of a non-deed restricted ADU unit to satisfy the inclusionary housing requirement is not authorized by the MHMC. The applicant is not prohibited from creating ADUs, nor can the City require a deed restriction on an ADU. An unrestricted ADU is not equivalent to a deed restricted Below Market Rate home that is required to be the same size as the smallest market rate unit and is deed restricted for 45 years of ownership. Only alternatives to compliance that are specifically listed in Section 14.04.070 are considered; use of ADU units is not authorized by the MHMC to meet the inclusionary housing requirements. City Council has the authority to accept a permitted alternative to compliance specifically listed in Section 14.04.070. The applicant references and refers to criteria 3-A of the RDCS manual “A project with 12 units or more receiving points for incorporating BMR units within the project may also receive points for contributing to the City's affordable housing fund from criteria 3-A provided the total number of combined points awarded for both criteria 3-Aand 3B does not exceed 34.” This option is for applicants who select to go above and beyond their affordability requirement, but not in place of it. No point adjustment recommended.	18	0	0	
RDCS2019-0002	Llagas-Sabini					166	163	163	163
		N/A	N/A	N/A	N/A				
RDCS2019-0003	Tennant-Osito Holdings					193	185	185	185
		N/A	N/A	N/A	N/A				

Attachment: RDCS Final Scores and Comments -June 11-2019 (2351 : RDCS PUBLIC HEARING)

2018 RDCS APPLICATIONS -SCORES AND COMMENTS

File No.		Narrative Objective and Section No.	Applicant	Planning Commissioner Questions/Comments	Staff Response to comments	Requested Score	City Initial Score	PC Adjusted Score	Final Score
RDCS2019-0004	Monterey-Dobkin					176	165	173	173
		4. Housing Diversity-Criteria 4-D- Small Units	City Ventures designed the Monterey Gateway project to include smaller homes per the requirements in the criteria. These smaller homes will aid in the inherent affordability of homes in the project. The criteria states "Multi-Family: Less than 1,000 square feet (rental); 1,200 square feet ownership." It is not clear that this requires LESS THAN 1200 square feet in the case of ownership. Although the homes were indeed designed as 1,199 square feet the architect's software rounded up to 1,200 square feet, which was then carried through the whole application due to the source data. Regardless of the 1 square foot difference, we technically still meet the criteria which only states "1200 square feet ownership". We also certainly meet the intent of the criteria which is to include at least 10% of our units as "Small Units." We respectfully ask that these 4 points be awarded.	Planning Commission recommended awarding the requested points, stating the criteria had been met.	RDCS Manual intent is LESS THAN 1200 sq ft. No points recommended.	4	0	4	
		7. Transportation-Criteria 7-E- Connections to Adjacent Property	It is unclear why a point was not awarded in this category. The majority of the adjacent property is undeveloped and we have been asked to consider the future development of this property throughout discussions on Block 4. All areas where we have extended the streets to provide access connect to undeveloped land and these connections allow for future redevelopment of this parcel. For these reasons, we respectfully ask that this point be awarded.	Planning Commission did not recommended a point adjustment.	The project does <u>not</u> provide off-street bicycle and pedestrian connections, including private or public parks, open space, transit facilities, and commercial areas. Connections do not establish and maintain or show an EASEMENT, DEDICATION or other similar method to guarantee it remains accessible to the general public. The project is land locked. The project was not able to demonstrate that it can guarantee public access through the adjacent properties to the south. No point adjustment recommended.	1	0	0	
		7. Transportation-Criteria 7-G- Electric Vehicle Charging Stations	City Ventures requested points for 4 charging station. There are two locations for EV Chargers designated on the plans. Each location includes 2 chargers. Therefore, the two locations shown with EV Chargers will provide charging stations for 4 vehicles. The charging cords will allow access to 4 parking stalls. We respectfully request the additional 2 points for providing 4 charging stations.	Planning Commission recommended awarding the requested points, stating the criteria had been met.	Sheet C2 of the Civil Engineering Plans shows two EV charging stalls at Unit 38. Staff was unable to find the other location with 2 additional stalls. No point adjustment recommended.	4	2	2	

Attachment: RDCS Final Scores and Comments -June 11-2019 (2351 : RDCS PUBLIC HEARING)

2018 RDCS APPLICATIONS -SCORES AND COMMENTS

File No.		Narrative Objective and Section No.	Applicant	Planning Commissioner Questions/Comments	Staff Response to comments	Requested Score	City Initial Score	PC Adjusted Score	Final Score
		8. Municipal Infrastructure-Criteria 8-E-Broadband Connectivity	City Ventures provided documentation showing that we will install broadband conduit from the right of way to each building, and that we would pre-install indoor conduit to each unit. Staff did not provide a detailed explanation of why these points were not awarded. It was our understanding that broadband connectivity already exists in the public right of way and we are providing it in areas where it is not so this criteria has already been met, which is why we did not request points in for item A. The scoring instructions do not state that conduit is required along the entire frontage to be eligible for points, just that conduit must be installed in the public ROW “fronting the project”. We feel that we meet the requirements for item B and item C and we ask that the 2 points be awarded for this criteria.	Planning Commission did not recommended a point adjustment.	Exhibit 7 does not indicate how much broadband is existing along the project frontage. Moreover, any balance of frontage not supporting broadband needs to be installed to get points under standard 5a of Criteria 8-E which will allow for standards 5b and 5c to also be awarded points. No point adjustment recommended.	2	0	0	
		9. Project Quality-Criteria 9-A- Exterior Building Design	The criteria states that “a minimum of 25 percent of homes facing a street or common interior courtyard [or abutting a shared alley] include a balcony”. In the case of multifamily, points “may” also be awarded if 25% of only “upper floor units” have balconies. The use of the word “may” implies a broader interpretation, rather than a narrower requirement. City Ventures has provided at least 25% of units with balconies in each condition. The goal of this criteria is to design homes with balconies and upstairs outdoor space. City Venture meets both the intent and the technical definition with upper floors designed with balconies, and therefore we respectfully request allocation of 2 points under these criteria.	Planning Commission recommended awarding the requested points, stating the criteria had been met.	As stated in the project Narrative, the project is considered a Multi-family project. To be awarded points as a multi-family project, 25% of upper floor units would need to meet the requirement. The project does not include upper floor units. No point adjustment recommended.	2	0	2	
RDCS2019-0005	Monterey-Lucky Shing					175	164	169	169
		1. Schools- Criteria 1-B Proximity to Schools with Capacity	The May 10th Morgan Hill Times article on the MHUSD new six-year demographic study, stated: “Over the next six years.... Only two district schools—Jackson Academy and Ann Sobrato High Schools—are projected to reach capacity over that time span.” a. That conclusion is only plausible if Sobrato High School currently has capacity, and 2 points should be awarded.	Planning Commission did not recommended a point adjustment.	At the time of the RDCS application deadline, Sobrato does not have capacity. No point adjustment recommended.	2	0	0	

Attachment: RDCS Final Scores and Comments -June 11-2019 (2351 : RDCS PUBLIC HEARING)

2018 RDCS APPLICATIONS -SCORES AND COMMENTS

File No.	Narrative Objective and Section No.	Applicant	Planning Commissioner Questions/Comments	Staff Response to comments	Requested Score	City Initial Score	PC Adjusted Score	Final Score
	8. Municipal Infrastructure- Criteria 8-E- Broadband Connectivity	The project lost all four points in this Criteria. The narrative commitment, made by the Applicant, specifically states “The project will install broadband conduit with 2 pull cables per the criteria in the public right-of-way”that is a specific commitment and will be met. The existing public right-of-way is Monterey Road. The inadvertent omission of a line drawn along East Dunne on Exhibit 4, will not remove the commitment or obligation of the applicant. The commitment made in Section 5.a., also states that the project would in addition be “extending it along the new extension of Tilton Ave through the project.” Those would clearly be new or additional rights-of-way to the right-of-way along Monterey Road. The extension on the new right-of-way is clearly shown on the Exhibit 4.	Planning Commission recommended awarding the requested points, stating the criteria had been met.	No points were given under standard 5a of Criteria 8-E as broadband conduit along Monterey Road was not shown on the exhibit. The applicant stated that the conduit for Monterey Road was inadvertently omitted from the exhibit. The latest version of the RDCS Competition Manual states... <i>“the submittal shall provide a schematic location of the broadband conduit. A note demonstrating broadband compliance will not be acceptable.”</i> No point adjustment recommended.	2	0	2	
		Criteria 5.b. and 5.c, states the commitment to further extend the broadband from the new public right of ways to each building and then into each unit. The Applicant made those commitments in the Narrative and those commitments are in no way precluded or excluded from the ability to score points, even if the Planning Commission were to deny points on a technicality for installing the conduits in the existing right-of-way in Monterey Road. These additional conduits, which are clearly shown on Exhibit 4, would serve a vital function regardless, in the hypothetical case that there was not an extension in Monterey Road. The intent and requirement of the Criteria have been met. The purpose of the Criteria is set forth in the narrative: to install conduitto accommodate multiple future broadband providers in all the public right-of ways fronting the project....and this is what the project Applicant committed to do, notwithstanding the inadvertent omission of a line on Exhibit 4 representing the commitment along the existing public right-of-way on Monterey Road. As a final argument to justify the award of the full 4 points: refer to the scoring of the Andalusia Project in the 2018 Competition which scored all 4 points in this category without a line (a yellow highlight in this instance) on that project's Exhibit O showing the extension along the East Dunne Ave. right-of-way. Consistency of scoring is still important and should be followed.	Planning Commission recommended awarding the requested points, stating the criteria had been met.	In order to obtain points under standards 5b and 5c of Criteria 8-E, the project should fully comply with standard 5a. The latest version of the RDCS Competition Manual reflects changes to Criteria 8-E which include the following: 1) A clarification that broadband conduit must be installed in ALL public rights-of-way fronting the project site; and 2) The addition of a requirement to provide a schematic location of the broadband conduit. Staff has consistently scored all projects using the above criteria. No point adjustment recommended.	2	0	2	

Attachment: RDCS Final Scores and Comments -June 11-2019 (2351 : RDCS PUBLIC HEARING)

2018 RDCS APPLICATIONS -SCORES AND COMMENTS

File No.	Narrative Objective and Section No.	Applicant	Planning Commissioner Questions/Comments	Staff Response to comments	Requested Score	City Initial Score	PC Adjusted Score	Final Score
	9. Project Quality-Criteria 9-A Exterior Building Design	The project scored 34 out of 35. The project should be entitled to have three points restored, and have the total awarded points be increased by 1 to the maximum total of 35. These three points are within Criteria 9.A. under Table 49, items a. b. and c. a.[Porches] Dahlin's plans A.02, 03 04, 05. Show the porches (shading indicates covered areas) and indicates full compliance. Dahlin's table 49 states the commitment met. (1)Similar plans and identical commitment in scoring of Andalusia in the 2018 competition resulted in the point being awarded for this Criteria. Consistency in scoring is important and should be adhered to. Add one point	Planning Commission recommended awarding the requested points, stating the criteria had been met.	The criteria requires 50 percent of homes include front porches and that these porches meet the specified size requirements. The plans did not include dimensions to verify compliance. In addition, the plans stated that the criteria would be met by front porch OR front yards. This is not the criteria requirement. No point adjustment recommended.	1	0	1	
		b.[Front Facing Balconies] Dahlin's plans show the exterior balconies. Similar plans and commitment in the scoring of for the Andalusia project in the 2018 M/S resulted in the point being awarded for this Criteria. Consistency in scoring should be adhered to. (1)We respectfully disagree with Staff's conclusion that this criteria is restricted to "Upper Floor units). That sentence has never been construed as exclusive, but as being an addition way to score the points for condominium type projects that have full units on each floor rather than townhouse type project. The period after the preceding provision makes it a separate additional provision. (2)If Staff's interpretation prevails, it would mean that there is no incentive for balconies on front elevations or over alleys, on standard three-story rowhomes. That has certainly not been the intent of the PC when this criteria was created. Balconies provide desirable appearance of front and rear facades which is the intent of providing the points (3)Similar plans in scoring of Andalusia in the 2018 competition was awarded the point. Consistency in scoring is still important should be followed. To not award the point would be a significant departure from last year's scoring and intent. Add one point	Planning Commission recommended awarding the requested points, stating the criteria had been met.	As stated in the project Narrative, the project is considered a Multi-family project. To be awarded points as a multi-family project, 25% of upper floor units would need to meet the requirement. The project does not include upper floor units. No point adjustment recommended.	1	0	1	

2018 RDCS APPLICATIONS -SCORES AND COMMENTS

File No.		Narrative Objective and Section No.	Applicant	Planning Commissioner Questions/Comments	Staff Response to comments	Requested Score	City Initial Score	PC Adjusted Score	Final Score
			c.[Balconies facing alleys]. Same exact response stated above for Front Facing Balconies. (1)Also, the Andalusia project with similar plans was awarded the point in the 2018 Measure S Competition. Scoring should be consistent. Add one point	Planning Commission recommended awarding the requested points, stating the criteria had been met.	As stated in the project Narrative, the project is considered a Multi-family project. To be awarded points as a multi-family project, 25% of upper floor units would need to meet the requirement. The project does not include upper floor units. No point adjustment recommended.	1	0	1	
RDCS2019-0006	Half-Brookfield					170	157	158	
		5. Parks and Open Space - Criteria 5-I Proximity to Parks	(1) We appreciate that Staff recognizes the Madrone Channel Trail as a recreational facility. However, we assert that the distance from the center point of the project to the nearest trail entrance is actually less than one-half mile, and that the project deserves a two-point award in this criterion: (2)Per the attached photograph, pedestrians/bicyclists can access the trail in the location shown on Figures 2D and 5I, which were submitted as part of the application package on March 8, 2019. The distance from the trail to the center of the project is approximately 0.41 miles. (3)The segment of the walking path between the existing pavement at the Condit/Half Road intersection and the Madrone Channel Trail is public right-of-way as shown on the attached Assessor's Map and Parcel Map Additional Point Request: 1	Planning Commission requested that additional research be conducted to determine whether public access has been provided.	Staff does not believe that there is a public access point to the Madrone Channel Trail at Half Road as the schematic exhibit shows. If the applicant can provide a photo showing an access gate at that location, staff will agree with the applicant's contention. The existence of a public ROW along the extension of Half Rd. does not equate with access to the trail if there is not a functioning access gate there. At this time no point adjustment is recommended. As requested, additional research has been conducted. The applicant has verified that the Water District has re-installed the barbed wire fence and gate along a majority of the Half Road right-of-way, and an opening has been left at the Madrone Channel path at the southerly end of the Half Road right-of-way. The City would like to see this be a permanent connection and will pursue it. A point correction is recommended.	2	2		

Attachment: RDCS Final Scores and Comments -June 11-2019 (2351 : RDCS PUBLIC HEARING)

2018 RDCS APPLICATIONS -SCORES AND COMMENTS

File No.		Narrative Objective and Section No.	Applicant	Planning Commissioner Questions/Comments	Staff Response to comments	Requested Score	City Initial Score	PC Adjusted Score	Final Score
		Criteria 5-J Open Space	(1) The project applicant requested (and received points) for Visibility, Adjacent Units, and Rear Yard Open Space. In addition, the applicant requested three points for Private Open Space – Attached Projects that were not awarded, with the explanation that points cannot be awarded in both the Rear Yard Open Space (item 4) and Private Open Space – Attached Projects (item 6) sub-categories. The applicant respectfully requests that Staff reconsider its interpretation, and award three additional points in the Rear Yard Open Space and Private Open Space – Attached Projects sub-category for the following reasons: (2) The project provides an ample number of the housing types described in sub-categories 4 and 6, nearly balancing the number of single family and duet units (132, or 53%) with attached units (115, or 47%). (3) The project meets or exceeds the open space standards described in sub-categories 4 and 6. Please see sheet RDCS-05, which illustrates the proposed amount of private open space per product type. (4) Unlike Criteria 6-D, which describes some sub-categories as mutually exclusive, there is no language in the RDCS Competition Manual prohibiting an applicant from receiving points in both of these Open Space sub-categories, nor is there language prohibiting Staff from awarding points in both sub-categories. The commitment to each of these subcategories deserves recognition and the applicable point award. Additional Points Request: 3	Planning Commission recommended adjusting the score. The project should be scored as an attached project. One point to be added to the project.	5-J (4) states ..."For detached single family and duplex/duet projects,..." and 5-J (6) states ..."For attached projects,..." as a preliminary specifying statement that describes the types of projects that should be awarded points for these specific open space design amenities. It does not envision or address how to score mixed projects. Since this project is mixed, the project could have received a score of zero points since it neither fits into (4) nor (6). In the absence of clear language addressing mixed projects and in the interest of fairness amongst applicants, staff approved the lower of the two scores, in this instance, two points for 5-J (4) Rear Yard Open Space. This seemed like a fair score recognizing the applicant's commitment to provide private spaces that exceed code minimums. The applicant's request to receive both scores for a single project seems unreasonable in that a single project can't be considered two projects (both a single family project AND a detached project) despite the number of units provided in each housing category. The applicants request could ultimately lead to gaming the system in which a detached/duet project throws in one triplex in order to garner an easy additional three points. No point adjustment recommended.	9	6	1	
		9. Project Quality - Criteria 9A- Exterior Design	Façade Articulation (See detailed letter)	Planning Commission did not recommended a point adjustment.	The RDCS criteria has specifically been designed to score projects based on the type of project; whether it be an attached project or detached project. The project site is zoned Residential Attached Low and 75% of the site is comprised of attached units. The project has been scored as an attached project. No point adjustment recommended.	3	1	0	
			360-degree Architecture (1)The same arguments, justifications, and proposal set forth above as to front facades, apply to the 360-degree architectural features. (2)Those features are included in all three sub-project architectural plans and the project should be entitled to score both as an attached and as a detached project. Add 2 points	Planning Commission did not recommended a point adjustment.	The RDCS criteria has specifically been designed to score projects based on the type of project; whether it be an attached project or detached project. The project site is zoned Residential Attached Low and 75% of the site is comprised of attached units. The project has been scored as an attached project. No point adjustment recommended.	3	1	0	
RDCS2019-0007	Spring-Giancola					180	176	177	177

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2018 RDCS APPLICATIONS -SCORES AND COMMENTS

File No.		Narrative Objective and Section No.	Applicant	Planning Commissioner Questions/Comments	Staff Response to comments	Requested Score	City Initial Score	PC Adjusted Score	Final Score
		5. Parks and Open Space - Criteria 10.b- Open Space Design and Outdoor Amenities	Staff comments in Narrative: “Project Earns points for adjacency [2], Native tree protection [1] and committing to construct private open spaces 25% greater than code minimums [2]” 5 points total Staff concurs that we satisfy criteria #2 “Adjacent Units”, #3 “Existing Trees” and #6 “Private open space -Attached project” but mistakenly awarded 2 points for item #6 which is worth 3 points not 2 as awarded. This appears to be an over site. Request this be corrected.	Planning Commission recommended adjusting the score. The project should be scored as an attached project. One point to be added to the project.	5-J (4) states ..."For detached single family and duplex/duet projects,..." and 5-J (6) states ..."For attached projects,..." as a preliminary specifying statement that describes the types of projects that should be awarded points for these specific open space design amenities. It does not envision or address how to score mixed projects. Since this project is mixed, the project could have received a score of zero points since it neither fits into (4) nor (6). In the absence of clear language addressing mixed projects and in the interest of fairness amongst applicants, staff approved the lower of the two scores, in this instance, two points for 5-J (4) Rear Yard Open Space. This seemed like a fair score recognizing the applicant's commitment to provide private spaces that exceed code minimums. No point adjustment recommended.	6	5	1	
RDCS2019-0008	Dakota-Dunne					182	171	175	175
		8. Municipal Infrastructure-Criteria 8-E-Broadband Connectivity	Although we committed to items a, b and c. for 4 points, Staff did not award any points stating: “does not comply to the criteria in this section”. We also provided a schematic location of the broadband conduit as required (see letter). We request 4 pts for criteria 8-E	Planning Commission recommended awarding the requested points, stating the criteria had been met.	Criteria 8-E states..."project installs broadband conduit in the public right-of-way," fronting the project site. According to submitted plans/schematic, there is no broadband conduit provided along the Dakota Drive frontage. Therefore, the project does not comply with this section. No point adjustment recommended.	4	0	4	
		4. Housing Diversity-Criteria 4-B- Diversity of Housing Types		Planning Commission determined that the existing single family home should not be included for purposes of determining the housing types at the project site.	<u>Correction was made. Points awarded did not change.</u>	12	12	N/A	
		4. Housing Diversity-Criteria 4-C- Variation in Housing Size		Planning Commission determined that the existing single family home should not be included for purposes of determining the housing types at the project site.	<u>Correction was made. Points reduced from 12 to 9 points.</u>	12	12	9	

Attachment: RDCS Final Scores and Comments -June 11-2019 (2351 : RDCS PUBLIC HEARING)

To: Gina Paolini
From: Dick Oliver

May 31, 2019

Re: Request for rescoring Quality Table 49, item h.: RDCS 2019-0006 Half-Brookfield

We respectfully request that Staff reconsider and rescore Table 49, Item h and award 4 points in this category. We believe that the Staff's conclusion that "The large 5-plex building does not meet the stated requirement" was based upon on solely a subjective review of the architectural drawings submitted (Dahlin Sheet A1.1) and that such a conclusion has not adequately considered an objective review of various components set forth in the Criteria. We believe the conclusion and score of 0 points is too restrictive and should be rectified. We are not asking for review of any new information.

The Criteria for Table 49 states: "h. individual **Residences – Attached Projects**. Large buildings are architecturally subdivided so that they appear as individual residences or small groups of units. Buildings incorporate features such as (1) window bays (2) balconies, (3) porches and (4) entrance vestibules, (5) various color schemes, and (6) individual roof volumes to define individual units."

The applicant's narrative stated that the project met these various components required in the Criteria.

The applicant submitted drawings, including Dahlin Sheet A1.1, which includes the front elevation of the large 5-plex building. Also shown on that sheet was the floor plan of the entries and porches of the plans within the 5-plex. The matrix below sets forth how each of the 3 plans within the 5-Plex building in fact meet the objective components that are set forth in the Criteria to justify an award of 4-points.

Note: The 5-plex building has a Plan #1 and #3 adjacent to each other. The center unit, Plan #2, is not adjacent to a Plan #1, with the right and left had elevations of the building being a mirror image. With this perspective, we believe the submitted drawings adequately meet the intent of an appearance of separate individual units within the 5-plex building. This is supported by viewing the Dahlin Sheet A1.1, including the front floor plans, while comparing each unit as it relates to the immediately adjacent unit, while considering all the components of the Criteria, recapped in this matrix below.

Component of Criteria	Plan 1 (end units)	Plan 2 (center units)	Plan 3
1. window bays	Different window styles, panes, paneling & segments than adjacent Plan 2. Only Plan w/ glass doors on front	Triple window bays, 2 pane windows with shutter on 1 st floor. Only plan with small windows on 3 rd floor	Double window bays without paneling below. Only Plan w/ side wood panels on 1 st floor
2. balconies	No balcony. All Plan 1 units are adjacent to units with balconies	Balcony with 2 panel glass doors. This balcony is different than on Plan 3	Balcony with 4 panel doors. No balconies adjacent to each other
3. porches	Small porch on front elev. With glass doors. Not an entry. Not on any other Plan	Covered L-shaped front porch is different than adj. units. Large window	Covered front porch is less than half the size of porch on adjacent unit.
4. entrance vestibules	On side of buildings with canopy. Unique.	Front door is set back over 5' from front plane of bldg. 8' feet farther back the adj unit	Front entrance, door is only 3' back, is very different, size and feel to adjacent plan 2
5 varied color schemes	Plan 1 colors are indicated the lighter pallet. No entry on front elevation would be different	Plan 3 is also a lighter pallet, but no Plan 3 is adjacent to a Plan 1	Narrow 3-story segment portion of front elevation (gable roof) is darker color and unique to Plan2
6. individual roof volumes	Plan 1 is only 2 stories and the roof is not connected to the roof on adjacent Plan 2	The roof is relieved with a large gable and is defined by the small gables of Plan 2	Narrow 3-story segment is capped with a small gable roof which defines the Plan



CITY OF MORGAN HILL

PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 11, 2019

PREPARED BY: Joey Dinh, Associate Planner

APPROVED BY: Jennifer Carman, Community Development Director

SD2018-0002, DA2018-0001, EA2018-0004: OLD MONTEREY - KELLY VO - SUBDIVISION MAP, DEVELOPMENT AGREEMENT, AND ENVIRONMENTAL ASSESSMENT FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 764-24-061 LOCATED AT 18755 OLD MONTEREY ROAD AT THE SOUTHWEST CORNER OF OLD MONTEREY ROAD AND MUSTARD AVE.

RECOMMENDATION(S)

1. Open/Close public hearing;
2. Adopt resolution approving a Tentative Subdivision Map; and,
3. Adopt resolution recommending the City Council approve a Development Agreement.

LOCATION MAP



PROJECT SUMMARY:

1. Location: Southwest corner of Old Monterey Road and Mustard Ave/18755 Old Monterey Road (764-24-061)

- 2. Site Area: 1.13 Acres
- 3. General Plan: Residential Detached Medium (7 du/ac)
- 4. Zoning: Residential Detached Medium (RDM-7,000)

BACKGROUND:

An application was submitted for the 2016 Residential Development Control System (RDSCS) competition requesting five (5) building allotments for the project site. At the January 10, 2017 Planning Commission meeting, the Commission adopted Resolution No. 17-01 awarding the project five Fiscal Year 2018/2019 building allotments.

On June 6, 2018, the City Council adopted Ordinance No. 2277, approving a comprehensive update to Title 18 (Zoning), including an amendment to the City's Official Zoning Map. The update renamed the R-1 Single Family Medium Density (R1-7,000) zone district to Residential Detached Medium (RDM-7,000) and did not change the development standards

On July 23, 2008, the City Council adopted Ordinance No.1892 to update the City's Historical Resources Code by repealing Chapter 18.75 Cultural Resources Preservation and adopting Chapter 18.75 Historical Resources (renumbered to Chapter 18.60 by Ordinance No. 2277). The City Inventory List identified the property as potentially historically significant. As a part of the CEQA analysis, a Historical and Architectural Evaluation was prepared for the site.

PROJECT DESCRIPTION:

Appletree Investment, LLC proposes a Tentative Subdivision Map to subdivide a 1.13-acre parcel into six (6) lots to develop five (5) detached single-family dwelling units, two (attached) accessory dwelling units (ADUs) and associated improvements. An existing historic single-family dwelling unit is to be retained, with a new driveway and garage to be provided. The existing historic residence is the subject of a Historical and Architectural Evaluation (see Appendix A) prepared for the project and is further discussed in Section I of the CEQA Categorical Exemption Memorandum. The existing house will be historically preserved. Construction for the project would involve removal of 19 mature Black walnut trees and one apricot tree, grown out of an orchard root stock. All of the trees proposed to be removed are non-native, non-ordinance sized, and are in poor condition. However, staff recommends a replacement ratio of 1:1, and a project condition has been included with this requirement. Grading and excavation would be required to accommodate the new residences and utility connections. Detailed project plans have been provided.

A Development Agreement is proposed to incorporate awarded RDSCS allotments and to memorialize the RDSCS public benefit commitments for five 2018/2019 building allotments. The Development Agreement specifies the duration and permitted uses of the subject property, and the general location and density or intensity of uses. It also contains provisions concerning its transferability to any successor owners of the property. The Development Agreement clearly outlines the benefits provided to the City

by entering into the Agreement.

Site Description

The project site is a 1.13-acre parcel (764-24-061) which currently has one single-family dwelling unit on the northeastern corner of the lot. The existing unit was subject to a Historical and Architectural Evaluation. The remainder of the site is undeveloped with mature trees, shrubs, and grasses covering the site. The property has frontage along Old Monterey Road, Mustard Avenue and Campoli Drive.

Surrounding Zoning/Land Use

North: RDM-7,000 / Single-family residences
 West: RDM-7,000 & PUD / Single-family residences
 East: CG & IL / Union Pacific rail-line & light industrial (door supplier and microelectronic manufacturer)
 South: RDM-7,000 & PUD / Single-family residences

ANALYSIS:

The request is submitted pursuant to the following:

- Chapter 17.20 Subdivision Map Requirements
- Chapter 18.116 Development Agreements

All the requests were analyzed with respect to consistency with 1) General Plan; 2) Zoning Code; 3) Residential Development Control System; 4) Tentative Map; 5) Findings; and 6) California Environmental Quality Act.

1. General Plan

The site has a land use designation of Residential Detached Medium (RDM). This designation also applies to parcels to the north, west, and south of the project site. It is intended to accommodate detached homes on smaller lots including courtyard homes, manufactured homes, and small-lot single-family homes. Accessory dwelling units are allowed in this designation. Up to 25 percent of a site may include duet units. The RDM designation generally allows a density up to 7 units per acre.

The proposed site plan includes a total of 6 single-family dwelling units (five proposed and one existing dwelling) on a 1.13-acre site. The site will connect to the adjoining properties in conformance with the General Plan policies. The project is surrounded by existing roadways on Old Monterey Road, Mustard Avenue, and Campoli Drive.

The following General Plan goals and policies are applicable to the project:

City and Neighborhood Form Element

Policy CNF-2.1 Orderly Development. Promote the orderly development of the City,

with concentric growth and infill of existing developed areas.

Policy CNF-2.2 A Balanced Community. Plan for the needs of all socioeconomic segments of the community, encouraging a balance and match in jobs and housing within the City.

Policy CND-2.3 Quality of Life. Maintain Morgan Hill's high quality of life for existing and future residents.

Policy CNF-3.1 RDCS Purpose. Maintain a Residential Development Control System (RDCS) to manage the amount, rate, type, and location of residential development in Morgan Hill.

Policy CNF-8.2 Design Features. Encourage design features and amenities in new development and redevelopment, including, but not limited to:

- Highly connected street layouts, supporting multiple paths of travel for all modes.
- Cluster buildings to create useable open space.
- Abundant landscaping.
- Attractive transitions between uses.
- Comfortable pedestrian facilities that promote a high level of pedestrian activity.
- Distinctiveness and variety in architectural design.

Policy CNF-8.7 Design Sensitivity. Ensure that new development is sensitive to the character of adjacent structures and the immediate neighborhood.

Policy CNF-11.5 Outside Connections. Require new subdivisions to provide multiple connections to the surrounding community. Methods to achieve this may include:

- Providing multiple points of entry into the project for motorists, bicyclists and pedestrians.
- Planning for future connections to adjacent undeveloped property.

Consistency

The land use designation contemplates residential uses. The primary uses in the surrounding area include single family dwelling units and designated open space. The project will introduce single family dwelling units on approximately 7,000 square foot lots similar to the surrounding housing types. Available infrastructure is located adjacent to the project site, including wet and dry utilities. The proposed architecture will be evaluated during the Design Review process.

The project proposes six total residential dwelling units (five proposed and one existing unit) which translates to six dwelling units per net acre. The proposed density complies with the General Plan.

2. Zoning Code

A Tentative Subdivision Map is required for the project and would meet the

requirements specified in the Table 18.16-3 of the Zoning Code, as demonstrated in the following table:

Table 1 – Zoning Consistency Summary

RDM-7,000 Site Requirements	Requirement	Proposed	Consistency
Lot Area	7,000 square feet; 7,500 square feet for corner lots	7,175 min square feet; 7,560 min square feet corner lots	Yes
Lot Width	60 feet	60.22 feet min	Yes
Lot Depth	85 feet	117.42 feet min	Yes
Lot Coverage	50%	<50%	Yes
Setbacks			
Front	First Story: 20 feet Upper Stories: 25 feet	First Story: 21.53 feet min Upper Stories: 25 feet min	Yes
Rear	First Story: 20 feet Upper Stories: 25 feet	30.73 feet min	Yes
Interior Side	First Story: 5 feet Upper Stories: 12.5 feet	First Story: 5 feet min Upper Stories: 12.5 feet min	Yes
Street Side	15 feet	15.92 feet min	Yes
Height	30 feet	<30 feet	Yes

Parking

The Municipal Code requires that each single-family house provide two covered parking spaces on site. The proposed development provides two covered parking spaces in each garage. The required minimum 20-foot by 20-foot driveway apron provided will meet the required parking spaces for Accessory Dwelling Units (ADU). Guest parking is required at a ratio of one parking space for each four dwelling units. These spaces may be permitted on the street. The project is required to have one guest parking space. Street parking would be provided along both sides of Mustard Avenue, Campoli Drive, and Old Monterey Road, which is consistent with the surrounding neighborhood.

3. Residential Development Control System (RDSCS)

Due to delays in completing the required environmental document, the project was eligible for one, administrative six-month extension of the commencement of construction deadline for the five FY 2018/2019 RDSCS building allotments, which the applicant requested. On March 16, 2019, the Community Development Director approved the administrative extension with Certificate No. 19-009. Five, Fiscal Year 2018/2019 residential building allotments have been extended for 6 months, with an exercise of allotment deadline of December 30, 2019. The project has the option to exercise the allotments as provided for in Chapter 18.156 (RDSCS).

The applicant is requesting a Development Agreement to memorialize the public benefit commitments for the five allotments awarded to the project. The Final RDCS Narrative was reviewed for consistency with the public benefit commitments provided within the draft Development Agreement.

4. **Tentative Subdivision Map**

A Tentative Subdivision Map has been requested that includes six residential lots. The following are the lot details:

Lot Number	Square Footage
1	7,560
2	7,182
3	7,175
4	7,860
5	7,940
6	7,780

The project has received five residential building allotments and will retain the existing dwelling unit proposed for Lot No. 4.

Details of the Tentative Subdivision Map are provided below:

a. Circulation

Based on data from the Institute for Transportation Engineers Trip Generation Manual, 10th Edition, 2017 for “Single-Family Detached Housing” (ITE land use code 210), the project would generate an average of approximately 50 trips per day, including 4 trips during the AM peak hour and 5 during the PM peak hour. Given the relative few number of trips generated by the project, implementation would not result in significant traffic related impacts.

b. Sidewalks

There are no bicycle or pedestrian facilities within the project vicinity, other than sidewalks. Project implementation, therefore, would not impact bicycle or pedestrian facilities. As a part of the Conditions of Approval, the Engineering and Utilities Department is requiring attached sidewalks along all project frontages.

Approval of the Tentative Subdivision Map would allow the developer to record a Final Map that is in substantial compliance with the Tentative Subdivision Map upon meeting the Conditions of Approval of the Tentative Subdivision Map. Residential building allotments are considered exercised with the recordation of the Final Map.

5. **Findings**

Development Agreement

A Development Agreement has been proposed consistent with the RDCS public benefit commitments. The terms and conditions agreed to during the competition have been incorporated into the site plan and included in the proposed Development Agreement.

Morgan Hill Municipal Code Section 18.116.040 (C), Consideration of proposed Development Agreement—Findings required, requires that the following findings be made by the City Council to adopt the Development Agreement:

The Development Agreement:

A. Is consistent with the goals, objectives, policies, general land uses, and programs specified in the general plan and any applicable specific plan.

As specified in the General Plan section of this report, the project would provide five residential units which is consistent with the General Plan. There have been no General Plan policy conflicts identified with the proposed project.

B. Is compatible with the uses authorized in the zoning district in which the real property is located.

The proposed residential use is permitted within the RDM-7,000 zoning district and would be compatible with the surrounding residential and light industrial uses.

C. Duly considers city mitigation programs in effect at the time of execution of the agreement.

The project would be subject to the payment of applicable impact fees and community benefit commitments as part of the RDCS process.

D. Will be non-detrimental to the public health, safety and general welfare of persons residing or working in the neighborhood and to property and improvements in the neighborhood.

The project's construction would adhere to state, local and federal laws. The project is residential housing that would include the normal daily operations of other residential sites.

E. Complies with the provisions of the California Environmental Quality Act and city's procedures adopted pursuant thereto.

The project is Categorically Exempt from CEQA through Section 15332. An Exemption Memorandum has been prepared.

F. Will not adversely affect the orderly development of property or the preservation of property values.

The project will provide high quality architecture consistent with the City's Architectural Design Guidelines. The project will also be consistent with state and local laws.

Tentative Subdivision Map

Morgan Hill Municipal Code Section 17.20.090, Tentative Subdivision Map — Approval Conditions requires that the following finding to be made by the Planning Commission to adopt the Tentative Subdivision Map:

In approving or conditionally approving the Tentative Subdivision Map, the Planning Commission shall find that the proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the City.

The Tentative Map has been designed consistent with the City's General Plan, considering neighborhood circulation patterns and providing future connections. Residential building allotments are available for the project.

Conclusion

The project has been found to be consistent with the General Plan, Zoning Code, RDCS, Subdivision Map Act, and CEQA. Staff recommends that the Planning Commission approve the Tentative Subdivision Map and recommend approval of the Development Agreement incorporating the RDCS public benefit commitments.

6. California Environmental Quality Act (CEQA)

An environmental assessment was prepared for the project by David J. Powers & Associates, Inc. dated February 27, 2019 in conformance with the California Environmental Quality Act (CEQA). The assessment determined the project qualifies for a Class 32 In-Fill Development exemption because it meets the criteria set forth in CEQA Guidelines Section 15332(a) through 15332(e).

The Director of Community Development concludes that the project proposed for Old Monterey - Kelly Vo is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines.

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 was posted on the project site pursuant to the Planning Division Requirements.

LINKS/ATTACHMENTS:

1. Subdivision Resolution
2. Development Agreement Resolution

3. Development Agreement
4. Tentative Subdivision Map 1/04/2019
5. Old Monterey - Kelly Vo All Project Plans
6. RDCS Final Narrative
7. CEQA Exemption Memorandum

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A TENTATIVE SUBDIVISION MAP FOR A 6-LOT RESIDENTIAL SUBDIVISION ON A 1.13-ACRE SITE LOCATED AT 18755 OLD MONTEREY ROAD ON THE SOUTHWEST CORNER OF OLD MONTEREY AND MUSTARD AVENUE IN THE RDM-7,000 ZONING DISTRICT (APN 764-24-061)

WHEREAS, on February 16, 2018, Appletree Investment LLC submitted an application for a tentative subdivision map (SD2018-0002: Old Monterey-Kelly Vo)

WHEREAS, such request was considered by the Planning Commission at its regular meeting of June 11, 2019;

WHEREAS, the Community Development Director has determined that the Old Monterey Kelly-Vo project proposed is categorically exempt from CEQA under Guidelines Section 15332; 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 Tentative Subdivision Map, together with its provisions for its design and improvements, is consistent with the General Plan.

SECTION 2. The proposed project shall be subject to the conditions as identified in the set of standard conditions attached hereto, as Exhibit A, and by this reference incorporated herein.

PASSED AND ADOPTED THIS 11th DAY OF JUNE 2019, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Attachment: Subdivision Resolution [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

ATTEST:**APPROVED:**

JENNA LUNA, Deputy City Clerk

LIAM DOWNEY, Chair**A F F I D A V I T**

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

By: _____

Date: _____

EXHIBIT A

CONDITIONS OF APPROVAL

THE FOLLOWING ARE STANDARD CONDITIONS OF APPROVAL THAT MUST BE MET PRIOR TO THE ISSUANCE OF BUILDING PERMITS AND/OR SITE DEVELOPMENT PERMITS EXCEPT AS MAY BE SPECIFIED IN THE CONDITIONS. THE APPROVAL REQUIREMENTS INCLUDE THESE REQUIREMENTS AND ANY SPECIAL CONDITIONS THAT ARE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS. APPLICANTS ARE REQUIRED TO SIGN THE APPROVAL CERTIFICATE/RESOLUTION FORM INDICATING THEY UNDERSTAND AND AGREE TO IMPLEMENT THESE STANDARD CONDITIONS AND ANY SPECIAL CONDITIONS APPLIED TO THEIR PERMIT APPROVAL.

ACRONYMS:

MHMC – Morgan Hill Municipal Code

MHARH – Morgan Hill Architectural Review Handbook

PLANNING DIVISION

I. TIME LIMITS

- A. The Tentative Subdivision Map approval granted under this Resolution shall remain in effect for two years to May 14, 2021. Failure to apply for Final Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted by the Development Services Department/Planning Commission prior to the expiration date. **(MHMC 17.20.170; 17.24.110)**

II. SITE DEVELOPMENT

- A. TREE PROTECTION: Unless tree removal has been previously approved, all trees located within the project shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):
 1. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 2. Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.
 3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the “dripline” area of the tree.
 4. Avoid root damage through grading, trenching, and compaction, at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1 inch in diameter should be exposed approximately 12 inches

- beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.
5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
 6. All trees proposed to be removed from the project site shall be replaced at a 1:1 ratio. Replacement trees shall be consistent with the City of Morgan Hill Master Street Tree Plan and shall be approved by the Development Services Director along with a landscape plan. All replacement trees shall be a minimum of 15-gallons in size.
- B. FINAL SITE DEVELOPMENT PLANS: Final site development plans shall be reviewed for conformance with Morgan Hill Municipal Code Section 18.108.040 and approved by the Community Development Department prior to issuance of a building permit. All such plans shall include:
1. Detail depicting all concrete curbs as full formed.
 2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing.
 3. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.
- C. FINAL MAP: Recordation of a final map shall be in accordance with the number of building allotments granted through the Residential Development Control System (RDSCS) for this project. Should a portion of the project's building allotment expire prior to final map approval, the number of lots on the final map shall be reduced to correspond to the remaining allotment. **(MHMC 18.156.150)**
- D. DUST, NOISE, VIBRATION, AND MATERIALS MANAGEMENT PLAN: A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. **(MHMC 18.76)**
- The plan must include the following "Basic Construction Mitigation Measures" per Bay Area Air Quality Management District's guidelines:
1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
9. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
10. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
11. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
12. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
13. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
14. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

15. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
 16. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 17. Minimizing the idling time of diesel powered construction equipment to two minutes.
 18. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
 19. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
 20. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
 21. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.
- E. STREET NAMES: Street names, private or otherwise, used to identify building locations shall be submitted to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council (Res No. 4601)

III. LANDSCAPING

- A. Planting and irrigation working drawings: Detailed landscape planting and irrigation working drawings shall be submitted to the Development Services Department for approval prior to issuance of building permits as part of the master building site and improvement plans. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.
- B. Trees and shrubs minimum size: All trees within approved landscape plans shall be of a minimum 15 gallon size. All shrubs shall be minimum 5 gallon size unless otherwise approved by the Development Services Director.
- C. Maintenance of landscaping: The landscaping installed and accepted with this project shall be maintained on the site as per the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Development Services Director or Design Review Board.
- D. Water Conserving Landscape Ordinance: The landscape plans shall be in conformance with the City's Water Conserving Landscape Ordinance that was developed in accordance with California law. This Ordinance restricts landscaping turf to certain areas,

specifies plant selection, requires certain types of irrigation equipment, and calls for the development of comprehensive water use calculations as an aspect of the submitted landscape plans. It is strongly suggested that the project's landscape designer refer to the City's Ordinance prior to beginning development of the project's landscape plans. **(MHMC 18.64)**

IV. HABITAT PLAN

- A. The approved project is covered under the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
- B. Prior to issuance of building permits the project shall complete and submit a Habitat Plan Application Package. All fees must be paid prior to issuance building permits or grading permits. **(MHMC 18.132)**
- C. Any additional conditions or mitigations required by the Habitat Plan shall be clearly stated on all plans that involve any ground disturbing activity (i.e. grading plans, improvement plans, paving plans, demolition plans or other plans for site clearing or temporary stockpile of dirt). **(MHMC 18.132)**

V. OTHER CONDITIONS

- A. This Tentative Map approval is limited to the plan set date stamped January 4, 2019 on file SD2018-0002 with the Development Services Department. These documents, as amended by Design Review approval, show the location and sizes of all lots in this development, the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas. The final map shall be in substantial compliance with the approved tentative map as determined by the City Engineer and Development Services Director.
- B. Recordation of Map: The recordation of the final map shall not be completed until approval of the Design Review Permit is completed.
- C. Defense and indemnity: Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of this tentative map approval. In addition, applicant shall pay all pre-tender litigation costs incurred on behalf of the City including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals, but shall not be required to pay any litigation from the City. However, applicant shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted. The undersigned hereby represents that they are fully empowered by the applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by applicant to be bound by such conditions.

- D. Mitigation Fee Act: Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your development project for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements, or as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun.
- E. Signed copies of Resolution: Submit two (2) signed copies of Resolution 19-__ to the Planning Division prior to issuance of building permits.
- F. Signed Development Agreement: Prior to approval of the final map (or issuance of a building permit where no map is required), the property owner shall submit to the Planning Division two (2) signed notarized copies of the Development Agreement for the proposed project.

VI. BEST MANAGEMENT PRACTICES

A. Cultural Resources

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where

- possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 9. Discovery of Archaeological Resources. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 100 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the find. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.
 10. Discovery of Human Remains. In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

B. Biological Resources

1. General construction activities and the removal of trees could impact nesting birds. To the extent practicable, vegetation removal shall be performed from September 1 through February 28 to avoid the general nesting period for birds. If tree removal cannot be performed during this period, preconstruction surveys for nesting birds shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of vegetation removal grading or other construction activities.
2. If vegetation removal or other construction or operational activities are not started within 14 days of the survey, another survey shall be required. The survey area shall include all of the construction site and staging areas as well as areas within 150 feet of the project site. In the event that an active nest is discovered in the areas to be

cleared and or developed or in habitats within 150 feet of the proposed activities vegetation removal and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged and the nest is vacated and there is no evidence of a second nesting attempt.

C. Noise & Vibration

1. Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for homes throughout the site, so that windows could be kept closed at the occupant's discretion to control interior noise and achieve the interior L_{max} and L_{dn} noise standards.
2. Provide sound rated windows and doors to maintain interior noise levels at acceptable levels. Preliminary calculations made based on the data contained in the conceptual design plans indicate that sound-rated windows and doors with a sound transmission class rating of STC 38 to 43 would be sufficient to control maximum instantaneous noise levels to 50 dBA L_{max} in bedrooms, 55 dBA L_{max} in other habitable rooms, and to also achieve the 45 dBA L_{dn} interior noise standard. Additional treatments may include, but are not limited to, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible. Bedrooms should be located away from the UPRR.
3. Confirm the final specifications for noise insulation treatments during final design of the project, based on the best available data regarding future usage assumptions for the UPRR. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. The following standard conditions shall be included in the project:
 - a. Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).
 - b. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - c. Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers.
 - d. Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials.
 - e. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
 - f. The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall

identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- g. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

D. Air Quality

1. Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

E. Hydrology & Water Quality

1. The project shall comply with the requirements of the Municipal Regional Permit as well as other local, state, and federal requirements. Specifically, the project shall comply with provision C.3 of the MRP, which provides enhanced performance standards for the management of stormwater for new development.
2. The project shall comply with all City of Morgan Hill ordinances, policies, and processes regarding the construction treatment of stormwater runoff. Specifically, a Stormwater Management Plan (SWMP) will be developed prior to issuance of building permits for project construction, to ensure compliance with City of Morgan Hill and MRP requirements. The SWMP will meet the criteria for stormwater protection outlined in the City's Environmental Compliance Program.
3. Construction BMPs shall be implemented for reducing the volume of runoff and pollution in runoff to the maximum extent practicable during site excavation, grading, and construction. All measures shall be included in the project's SWMP and printed on all construction documents, contracts, and project plans. These would include:
 - a. Restrict grading to the dry season or meet City requirements for grading during the rainy season.
 - b. Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.
 - c. Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff. Cover stockpiles with secure plastic sheeting or tarp.
 - d. Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck washdown area.
 - e. Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater.
 - f. Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the project area from sedimentation with filter fabric and sand or gravel bags.

ENGINEERING DIVISION

The following conditions shall apply to the project/application.

I. PROJECT SPECIFIC

- A. At Architectural & Site Review stage, the project shall address the following:

1. Confirm if the existing PG&E easement (Recording No. 23058217) noted in the Preliminary Title Report for the site dated 12/18/18 still exists. Show this easement on the plans if it exists.
 2. Label the new 10' Public Service Easement (P.S.E.) shown along the project frontages.
 3. Match the Mustard Avenue right-of-way line of the adjacent Tract 10318 (Campoli North Phase 2 subdivision). The half-street section will include an 18' travel lane, 5' attached sidewalk and 1' buffer (24' half-street width).
 4. Revise the plans to show the re-dedication of the existing right-of-way easements in fee along Mustard Avenue, Old Monterey Road, and Campoli Drive.
- B. **STORMWATER:** The project shall comply with the San Bay Francisco Regional Water Board's stormwater requirements as the site is outside the Central Coast Regional Water Board's jurisdictional area.
1. At Architectural & Site Review stage, submit for review the C.3 data worksheet and calculations for the proposed Raintanks. Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) "Guidance for Implementing Stormwater Requirements for New Development and Redevelopment Projects" (C.3 Stormwater Handbook).
 2. Prior to final map approval, the developer shall designate a single maintenance entity that will maintain the Raintanks in all the lots to ensure proper and continuous maintenance.
- C. **STREET IMPROVEMENTS:** At Architectural & Site Review stage, revise the plans to show the installation of landscaping on the easterly side of the project's Old Monterey Road frontage.
1. Prior to final map approval, the developer shall designate a single maintenance entity to ensure proper and continuous maintenance of the new offsite landscaping.
- D. **FLOOD:** The project site is currently shown in Flood Zone D on the Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Maps. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible.
1. A hydraulic study was prepared for the project by Schaaf & Wheeler dated 2/19/19. The study concluded that the project site is located outside the 100-year water surface elevation for Fisher Creek and would be located within a Flood Zone X.
 - a. The FEMA maps will show the project site in Flood Zone D unless the developer applies to FEMA for a Letter of Map Revision (LOMR) to reflect the new designation of Flood Zone X. Staff recommends that the developer apply for a LOMR prior to issuance of building permits in order for the future lot owners to have the option to not purchase flood insurance or be eligible for lower flood insurance premiums.
- E. Prior to submitting the final map and improvement plans, the developer shall arrange a meeting with City's Land Development Engineering staff and the project's civil engineer to discuss how the project can meet the project's commitments under the Residential Development Control System (RDCS)/Measure C.

II. GENERAL

- A. The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. **(MHMC 12.02.090 A; 17.32.010 A)**
- B. The applicant shall have a Final Map prepared by a registered engineer (licensed prior to 01/01/1982: registration number 33,965 or lower) or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be set as required by the Engineering and Utilities Department. **(MHMC 17.20.200 A; 17.20.290; 17.24.010)**
- C. The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Map. **(MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)**
- D. Obtain necessary encroachment permits from the City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
- E. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- F. Enter into a Subdivision Improvement Agreement (SIA) with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**
- G. **IMPACT FEE INCREASE:** The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City Engineering and Utilities Department maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. **(MHMC 3.56.010; 3.56.030; 3.56.050)**

III. STREET IMPROVEMENTS

- A. The project shall install and dedicate street improvement including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)**
- B. Underground existing utilities: All existing overhead utilities adjacent to any site boundary or along any street frontage of site shall be placed underground in accordance

with City standards and affected utility company guidelines. **(MHMC 12.02.090 B; 17.32.020 E.1)**

IV. SANITARY SEWER SYSTEM

- A. All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. **(MHMC 13.24.060; 17.32.20 C)**

V. STORM DRAIN SYSTEM

- A. A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. **(MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction)**
- B. The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Site Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. **(MHMC 17.32.020 A & B)**
- C. Collection system shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry a 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. **(MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)**
- D. Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the City Engineer.
 - 1. Storm drain calculations to determine detention/retention pond sizing and operations.
 - 2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 - 3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.**(CMH Design Standards and Standard Details for Construction)**
- E. BMP Tree protection shall be part of the SWPPP inspections.
- F. As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for

Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Land Development Engineering. A Waste Discharger Identification (WDID) number will be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WDID number and approved SWPPP Manual shall be provided to Land Development Engineering and the Building Department prior to any approval of grading activities **(SWRCB NPDES General Permit CA000002)**.

G. NPDES GENERAL PERMIT SITE SWPPP INSPECTIONS AND COMPLIANCE:

1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE)**.
2. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).
3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building and Land Development Engineering Divisions if the site is in compliance or non-compliance with the NPDES General Permit for Stormwater, site SWPPP Manual, and Water Pollution Control Drawings (per the CMH-SWPPP Inspection Check List to be provided by Engineering and Utilities Department). QSD/QSP SWPPP Inspectors shall forward onsite and offsite information/certification to the Building (on-site private property issues) and Engineering and Utilities Department (public right-of-way issues) inspectors respectively.
6. Prior to rain events, BMPs* not in compliance will need to be corrected immediately.
7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be address immediately.
8. Other non-compliance issues need to be addressed within a 24 hour period.
9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow up inspection.

*BMPs maintenance/inspections shall include tree protection if applicable.

VI. WATER SYSTEM

- A. The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the City Engineer. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the City Engineer and dedicated to the City. **(MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan)**
- B. Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District (Valley Water) Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with Valley Water and either be maintained or abandoned in accordance with Valley Water standards.
- C. Provide separate water services and meters for each lot. These are to be installed by developer. **(MHMC 17.32.020 D)**

VII. OTHER CONDITIONS

- A. The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**
- B. The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the City Engineer. **(MHMC 17.32.020 E.1)**
- C. The final map on all major subdivision (5 or more lots) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivision (4 lots or less), the final map shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit. **(MHMC 17.20.390; 17.24.210)**
- D. Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. **(MHMC 17.08.090)**
- E. Prior to the approval of any Building Permit for grading activity, the developer shall schedule a preconstruction meeting with the Engineering and Utilities Department with the following project team members:
 - 1. Civil Engineer of record.
 - 2. Geotechnical Engineer of record.
 - 3. Third Party QSD/QSP SWPPP Inspector.
 - 4. General Contractor.
 - 5. Sub Contractors.
- F. **Stormwater Runoff Management Plan (SWRMP) required** - The stormwater runoff management plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on

water resources, and the effectiveness and acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.

1. The stormwater runoff management plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved stormwater runoff management plan.
2. The chief engineer or designee may require a developer to provide a signed certification from the civil engineer responsible for preparing the stormwater runoff management plan that all stormwater best management practices have been designed to meet the requirements of this chapter.
3. Each certifying civil engineer shall establish to the city's satisfaction that such person has been trained on the design of stormwater quality best management practices not more than three years prior to the certification signature date.
4. Qualifying training shall be conducted by an organization with stormwater quality management expertise, such as a university, the Bay Area Stormwater Management Agencies Association, the American Society of Civil Engineers, the American Public Works Association, or the California Water Environment Association.

G. Stormwater BMP operation, maintenance, and replacement responsibility

1. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the city.
2. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.
3. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved stormwater runoff management plan.

H. Stormwater BMP operation and Maintenance Agreement (SWBOMA) required -

Improper maintenance is one of the most common reasons why water quality controls will not function as designed or which may cause the system to fail entirely. It is important to consider who will be responsible for maintenance of a permanent BMP, and what equipment is required to perform the maintenance properly.

1. Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written stormwater BMP operation and maintenance agreement with the city. The city shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs (City standard STORMWATER BMP OPERATION

AND MAINTENANCE AGREEMENT to be provided by Land Development Engineering).

2. The stormwater BMP operation and maintenance agreement shall require that the BMPs not be modified and BMP maintenance activities not alter the designed function of the facility from its original design unless approved by the city prior to the commencement of the proposed modification or maintenance activity.
3. The stormwater BMP operation and maintenance agreement shall provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the city shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.

I. Stormwater BMP inspection responsibility

1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a **Registered Civil Engineer (RCE)**.
2. Unless otherwise required by the chief engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - a. Site address;
 - b. Date and time of inspection;
 - c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.
3. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering.

J. Records of maintenance and inspection activities - On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance agreement shall provide the chief engineer or designee with records of all inspections, maintenance and repairs.

K. Annual Certification of SWRMP – On or before September 30th of each year a Registered Civil Engineer (RCE) shall provide written certification that the developments stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT DA2018-0001: OLD MONTEREY-KELLY VO FOR A 6-LOT RESIDENTIAL SUBDIVISION ON A 1.13- ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF OLD MONTEREY ROAD AND MUSTARD AVE (APN 764-24-061)

WHEREAS, the Planning Commission, pursuant to Chapter 18.78 (now Chapter 18.156) of the Morgan Hill Municipal Code, awarded 5 building allotments for application RDCS2016-0008 Old Monterey-Kelly Vo for FY2018/2019; and

WHEREAS, the City Council of the City of Morgan Hill enacted Ordinance number 1594, as revised by Ordinance Number 2277, establishing a procedure for processing Development Agreements in Chapter 18.116 for projects receiving allotments through the Residential Development Control System, Chapter 18.156, of Title 18 of the Morgan Hill Municipal Code; and

WHEREAS, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, said Development Agreement request was considered by the Planning Commission at its regular meeting of June 11, 2019; 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, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL THAT:

SECTION 1. The Planning Commission recommends that the City Council approve the Development Agreement (application DA2018-0001: Old Monterey-Kelly Vo) based on the determination and supporting reasoning described below as required by Morgan Hill Municipal Code Section 18.116.050(C).

SECTION 2. **The Development Agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.**

The project would subdivide the property into six lots, with 5 new single-family dwelling units and an existing dwelling unit to be retained. There have been no General Plan policy conflicts identified with the proposed project.

SECTION 3. The Development Agreement is compatible with the uses authorized in the zoning district in which the real property is located.

The proposed residential use is permitted within the RDM-7,000 zoning district and would be compatible with the surrounding residential uses.

SECTION 4. The Development Agreement duly considers city mitigation programs in effect at the time of execution of the agreement.

The project would be subject to the payment of applicable impact fees and community benefit commitments as part of the RDCS process.

SECTION 5. The Development Agreement will be non-detrimental to the public health, safety and general welfare of persons residing or working in the neighborhood and to property and improvements in the neighborhood.

The project's construction would adhere to state, local and federal laws. The project is residential housing that would include the normal daily operations of other residential sites.

SECTION 6. The Development Agreement complies with the provisions of the California Environmental Quality Act and city's procedures adopted pursuant thereto.

The project is Categorical Exempt from CEQA and meets the criteria for a Class 15332 - In-Fill Development exemption. A CEQA Categorical Exemption Memorandum has been prepared for the project.

SECTION 7. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values.

The project will provide high quality architecture consistent with the City's Architectural Design Guidelines. The project will also be consistent with state and local laws.

**PASSED AND ADOPTED THIS 11TH DAY OF JUNE 2019, AT A REGULAR MEETING
OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

LIAM DOWNEY, Chair

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Morgan Hill
Development Services Department
17575 Peak Avenue
Morgan Hill, CA 95037

RECORDING FEES EXEMPT
PURSUANT TO GOVERNMENT
CODE SECTION 27383

(INSERT DEVELOPMENT AGREEMENT)

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Morgan Hill
Development Services Department
17575 Peak Avenue
Morgan Hill, CA 95037

RECORDING FEES EXEMPT
PURSUANT TO GOVERNMENT
CODE SECTION 27383

DEVELOPMENT AGREEMENT

[DA2018-0001: Old Monterey-Kelly Vo]

BY AND BETWEEN

THE CITY OF MORGAN HILL

AND

APPLETREE INVESTMENT LLC

REGARDING

THE OLD MONTEREY-KELLY VO RESIDENTIAL DEVELOPMENT PROJECT

Attachment: Development Agreement [Revision 2] (2299 : Subdivision Old Monterey-Kelly Vo)

RESIDENTIAL DEVELOPMENT AGREEMENT
 BY AND BETWEEN
 THE CITY OF MORGAN HILL
 AND
 APPLETREE INVESTMENT LLC
 REGARDING THE
 OLD MONTEREY-KELLY VO PROJECT

This Development Agreement ("**Agreement**") is entered into on the below-stated "**Effective Date**" by and between the City of Morgan Hill, a California municipal corporation, (hereinafter "**City**"), and Appletree Investment LLC, a California limited liability company, and its successor and assigns (hereinafter, collectively, "**Developer**"), pursuant to Section 65864 *et seq.* of the Government Code of the State of California and City's police powers. City and Developer are, from time to time, also hereinafter referred to individually as a "**Party**" and collectively as the "**Parties**."

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other considerations, the value and adequacy of which are hereby acknowledged, the Parties hereby agree as follows:

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 *et seq.* ("**Development Agreement Statute**"), which regulates development agreements with any person having a legal or equitable interest in real property providing for the development of that property and establishes certain development rights in the property. In accordance with the Development Agreement Statute, and by virtue of its police powers, City has the authority to enter into development agreements, and has reflected that authority in its Morgan Hill Municipal Code (Chapter 18.116 *et seq.*) ("**Enabling Ordinance**"). This Agreement has been drafted and processed pursuant to the Development Agreement Statute and the Enabling Ordinance.

B. Developer currently has a legal and/or equitable interest in the Property.

C. Developer proposes to plan, develop, construct, operate and maintain the Project on the Property (as such terms are defined herein).

D. As of the Effective Date, various land use regulations, allotments, entitlements, grants, permits and other approvals have been adopted, issued, and/or granted by City relating to the Project (collectively "**Existing Approvals**"), including without limitation, all of the following:

1. RDCS Application RDSCS2016-0008: Five (5) FY 2018-19 building allotments;
2. Environmental Assessment Application EA2018-0004;
3. Subdivision Application SD2018-0002; and,

4. Administrative Extension Application AAE2019-0002 which extended the exercise of allotment deadline to December 30, 2019;

The Existing Approvals are more particularly described in the CEQA Categorical Exemption Memorandum for the Old Monterey-Kelly Vo project and the resolutions adopting the Existing Approvals.

E. For the reasons recited herein, Developer and City have determined that the Project is the type of development for which this Agreement is appropriate. This Agreement will help to eliminate uncertainty in planning, provide for the orderly development of the Project consistent with the planning goals, policies, and other provisions of the City's General Plan and City's Municipal Code, and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted.

F. On January 10, 2017, the Morgan Hill Planning Commission awarded allotments for the Project as set forth in the Developer's application for residential allotments pursuant to Chapter 18.156 ("**Residential Development Control System**", or "**RDCS**") of the Morgan Hill Municipal Code ("**Code**"). This Agreement serves to secure in a permanent and enforceable manner the public benefits and commitments included in the Developer's application as required under Section 18.156.120.J of the Code.

G. On June 11, 2019, following a duly noticed and conducted public hearing, the Planning Commission of the City ("**Planning Commission**") considered the Development Agreement for recommendation to the City Council, and determined that the Development Agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan; is compatible with the uses authorized in the zoning district in which the real property is located; duly considers City mitigation programs in effect at the time of execution of the agreement; will be non-detrimental to the public health, safety and general welfare of persons residing or working in the neighborhood and to property and improvements in the neighborhood; complies with the provisions of the California Environmental Quality Act and City's procedures adopted pursuant thereto; and will not adversely affect the orderly development of property or the preservation of property values.

ARTICLE 1

ADMINISTRATION

1.01 Effective Date. Following a duly noticed and conducted public hearing, the Morgan Hill City Council ("City Council") introduced an ordinance ("**Ordinance**"), accepting the recommendation of the Planning Commission, finding that this Agreement's provisions are consistent with the General Plan and any applicable specific plan, approving this Agreement, and directing this Agreement's execution by City. The City adopted the Ordinance, and the Ordinance became effective thirty (30) days later. The "Effective Date" in this Agreement shall be the date that the Ordinance became effective.

1.02 Definitions.

(a) The following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section:

- (1) "**Allotments**" shall mean those residential allotments awarded Developer through the Residential Development Control System

- (2) "**Applicable Law**" shall have that meaning set forth in Section 2.01(a) of this Agreement.
- (3) "**Commitments**" shall have that meaning set forth in Section 2.04(a) of this Agreement.
- (4) "**Director**" shall mean the Director of Community Development, and his or her designee.
- (5) "**Existing Approvals**" shall have that meaning set forth in paragraph D of the Recitals of this Agreement.
- (6) "**Existing City Laws**" shall mean all City ordinances, resolutions, rules, regulations, guidelines, motions, practices and official policies governing land use, zoning and development, RDCS, permitted uses, density and intensity of use, maximum height, bulk and size of proposed buildings, and other City land use regulations in force and effect on the Effective Date of this Agreement.
- (7) "**Impact Fees**" shall mean those fees imposed so that developments bear a proportionate share of the cost of public facilities and service improvements that are reasonably related to the impacts and burdens of the Project, adopted pursuant to Morgan Hill Municipal Code Chapter 3.56 and California Government Code Section 66001 *et seq.*
- (8) "**Legal Effect**" shall mean the ordinance, resolution, permit, license or other grant of approval that has been adopted by City and has not been overturned or otherwise rendered without legal and/or equitable force and effect by a court of competent jurisdiction, and all applicable administrative appeal periods and statutes of limitations have expired.
- (9) "**New City Laws**" shall mean any and all City ordinances, resolutions, orders, rules, official policies, standards, specifications and other regulations, whether adopted or enacted by City, its staff or its electorate (through their powers of initiative, referendum, recall or otherwise) that is not a Subsequent Approval, that takes "**Legal Effect**" after the Effective Date of this Agreement, and that applies City wide.
- (10) "**Project**" means the development containing 5 units in a residential subdivision project, as more particularly described in the RDCS Application RDCS2016-0008 and Subdivision Application SD2018-0002 as described in Exhibit B. Any reference in this Agreement to the "Project" shall mean and include the "Property".
- (11) "**Project Approvals**" mean, collectively, the Project's Existing Approvals and the Subsequent Approvals.
- (12) "**Property**" shall mean that certain real property consisting of approximately __ acres located within the City, as more particularly described and shown on Exhibit A to this Agreement.
- (13) "**RDCS**" means the Residential Development Control System set forth in Chapter 18.156 of the Morgan Hill Municipal Code.
- (14) "**Second Notice**" shall have that meaning set forth in Section 4.07(c) of this Agreement.

- (15) **"Subdivision Document"** means, pursuant to Government Code Section 66452.6(a) and this Agreement, any tentative map, vesting tentative map, parcel map, or final map, or any such new map or any amendment to any such map, or any resubdivision.
- (16) **"Subsequent Approvals" and "Subsequent Approval"** mean those City permits, entitlements, approvals or other grants of authority (and all text, terms and conditions of approval related thereto), that may be necessary or desirable for the development of the Project, that are sought by Developer, and that are granted by City after the City Council adopts the Ordinance, including without limitation, subdivision maps and building permits.

(b) To the extent that any defined terms contained in this Agreement are not defined above, then such terms shall have the meaning otherwise ascribed to them elsewhere in this Agreement, or if not in this Agreement, by controlling law, including the Morgan Hill Municipal Code.

1.03 **Term.**

(a) The term ("**Term**") of this Agreement shall commence on the Effective Date, and then shall continue (unless this Agreement is otherwise terminated or modified as provided in this Agreement) until the earliest of (1) the loss of all residential allotments for the Project pursuant to the RDCS, if applicable, (2) the issuance of a certificate of occupancy for all units in the Project or (3) ten (10) years plus one day after the Effective Date; provided however that Developer's obligations pursuant to Sections 2.03 and 2.04 shall survive the termination of this Agreement until such obligations are fully performed and completed in accordance with this Agreement.

(b) If any "**Third-Party Challenge**" (as that term is defined in Section 4.06(a) of this Agreement) is filed, then the Term of this Agreement shall be tolled for the period or periods of time from the date of the filing of such litigation until the conclusion of such litigation by dismissal or entry of a final judgment ("**Litigation Tolling**"). Notwithstanding the foregoing, regardless of the number of Third-Party Challenges that may be filed during the Term of this Agreement, the sum total of such Litigation Tolling shall not exceed five (5) years. The filing of any Third-Party Challenge shall not delay or stop the development, processing or construction of the Project, or the approval or issuance of any Project Approvals, unless enjoined or otherwise controlled by a court of competent jurisdiction. The Parties shall not stipulate to the issuance of any such order unless mutually agreed to.

ARTICLE 2

APPLICABLE LAW

2.01 **Applicable Law—Generally.**

(a) As used in this Agreement, "**Applicable Law**" shall mean the rules, regulations, official policies, standards, and specifications applicable to the development of the Property listed below in this Section 2.01. The order of their importance is the order in which they are listed (with highest importance listed first, second most important listed second, etc.); in the event of a conflict between them, their order shall determine which one controls (the one listed higher controlling over the one listed lower):

- (1) All the provisions, terms and conditions of this Agreement.

- (2) Existing Approvals.
- (3) The Subsequent Approvals, provided such Subsequent Approvals are:
 - (i) In compliance with all controlling California law;
 - (ii) Mutually agreed to by the Parties;
 - (iii) In compliance with this Agreement; and
 - (iv) Duly enacted by City.
- (4) The "Existing City Laws" that are not in conflict with this Agreement and the Project Approvals.
- (5) Any "New City Laws" Developer is subject to as provided in Section 2.09 of this Agreement.

(b) The Parties shall cooperatively assemble all of the necessary documents to memorialize, to the best of their abilities, the Project Approvals, Existing City Laws, and the terms and conditions contained in this Agreement to assist Developer to maintain the documents assembled and to provide a continuing reference source for the approvals granted and the ordinances, policies and regulations in effect on the Effective Date of this Agreement.

2.02 Vested Right to Applicable Law.

(a) During the Term of this Agreement, Developer shall have the vested right to develop the Project subject only to, and in accordance with, the Applicable Law, and during the Term of this Agreement, City shall have the right to regulate the development and use of the Project subject only to, and in accordance with, the Applicable Law.

(b) Nothing contained herein will give Developer a vested right to obtain a sewer connection for said Project in the absence of sewer capacity available to the Project.

(c) Pursuant to this Agreement, the Applicable Law will be an expanding body of law, such as, for example, when Subsequent Approvals are granted by City, and/or when Developer becomes subject to a New City Law pursuant to this Agreement.

(d) The vested rights to develop the Project in accordance with Applicable Law and this Agreement shall be vested only to those residential units having an RDCS residential allotment. Nothing contained herein shall give Developer a vested right to develop the described Project absent valid RDCS residential allotments.

(e) Developer agrees that the terms and conditions of this Agreement and conditions of approval issued pursuant to this Agreement shall govern and dictate the vesting of the Developer's right to develop in lieu of any other instrument of vesting, including any vesting tentative map or any other agreement, instrument or document purporting to vest any right of development. Developer agrees to waive any vesting rights by operation of any otherwise applicable City, state or federal law.

2.03 Project Impacts and Costs.

(a) Agreement Subject to Project Mitigation Requirements. Notwithstanding any other express or implied term or condition of this Agreement (or the Approvals) to the contrary, throughout the Term of this Agreement, the full and complete mitigation of all environmental (including any mitigation measure adopted pursuant to CEQA), physical, fiscal and other impacts of the Project and the Property on the community and on the City of Morgan Hill and its services, facilities, operations and maintenance (collectively, "**Project Mitigation**") shall be borne by and shall be the sole and exclusive responsibility of the Developer. Such Project Mitigation may be conditions of any Applicable Law or Project Approval and may include a mix of different approaches, including without limitation, Developer construction of and/or financing of such services, facilities, operations and maintenance through the payment of impact fees or other fees, taxes, levies, assessments, or other financing mechanisms including without limitation, reimbursement agreements, Landscaping and Lighting Districts, Mello-Roos Districts, Community Facilities Districts, Assessment Districts, Tax-Exempt and Taxable Financing Mechanisms, Maintenance Districts, Homeowners Associations, and participation in the Statewide Communities Infrastructure Program (collectively, "**Financing Mechanisms**"). The necessary scope and extent of such Project Mitigation, and which combination of Financing Mechanisms should be employed relating to such Project Mitigation to assure success of the Project Mitigation, shall be determined by City, in its sole and exclusive discretion, pursuant to appropriate City ordinance, resolution, regulations or procedures, taking into account and guided by the pre-existing rights of others in the existing and future public services and facilities (including their operations and maintenance) that Developer may seek to use. If no Financing Mechanism is available to fund the Project Mitigation, then the Project shall not progress forward.

(b) Impact Fees. In addition to any agreed-upon Project-specific requirements as set forth in Section 2.04 and as part of the Developer's sole and exclusive obligation to cover Project Mitigation, Developer shall pay all Impact Fees and in the amounts in legal effect at the time any such Impact Fees become due and payable as provided for in the City's Municipal Code.

(c) Processing Fees. In addition to any agreed-upon Project-specific requirements as set forth in Section 2.04, the Project (including Developer as owner of same) shall be responsible for the costs to City of processing any and all Developer-requested land use approvals, including without limitation, building permits, plan checks, and environmental studies required pursuant to CEQA and other similar requests for City permits and entitlements, when such costs are incurred by City. City shall impose those funding requirements needed to ensure that the processing costs to the City are fully covered by the Developer. Further, if additional, accelerated, or more frequent inspections are requested by Developer of City than would otherwise take place in City's ordinary course of business, then City may either hire additional contract inspectors, plan checkers, engineers or planners, or City may hire a full or part time employee. If City hires additional contractors, then Developer shall reimburse City, on a monthly basis in arrears, the cost to City of hiring such additional contract inspectors, plus Developer shall pay to City an additional ten percent (10%) of such cost to City on the same payment schedule. City shall use such additional 10% to defray administrative costs. If City hires a full or part time employee, then Developer shall reimburse City, on a monthly basis, in arrears, for a pro rata share of the total cost to the City of such employee, plus ten percent (10%) for administrative costs, for the period from hire to the end of the Term of this Agreement.

2.04 RDOS and Other Specific Project-Specific Requirements.

(a) The Specific Restrictions and Requirements set forth in Exhibit C are public benefit commitments ("**Commitments**") voluntarily assumed by Developer in return for benefits derived from the City's

RDCS allotment approval program. These requirements are not Project Mitigation within the meaning of Section 2.03 of this Agreement. Developer hereby agrees that these requirements are not subject to credit, refund or reimbursement or prohibition pursuant to otherwise applicable City, state or federal law and hereby waives any such right to credit, refund, reimbursement or prohibition. These Commitments are voluntarily assumed by Developer in return for benefits derived from the RDCS. Pursuant to the RDCS, awarding of residential allotments to new development is a competitive process based on a point system. Additional points can be awarded to a development proposal that voluntarily commits towards providing a public benefit contribution in addition to those already required to mitigate its impacts. The Commitments result in additional points, thereby allowing the development proposal to secure a higher score pursuant to the RDCS, which in turn may provide a high enough score for the development proposal to secure residential allotments. The Commitments set forth in Exhibit C, derived from that RDCS process, are enforced through this Agreement.

(b) Substitution of Commitments within the same Objective may be allowed in limited circumstances, as provided in Section IV. F of the RDCS Competition Manual, with approval of the Community Development Director documented through an Administrative Amendment as provided in Section 3.05 of this Agreement. Substitution may be allowed only if the proposed changes result in the project receiving the same or higher score within each Objective, maintain or improve the quality of the project, and would result in the same or greater value to the City or its future residents. No changes which would subject the Project to further environmental review under CEQA shall be approved. In circumstances in which Substitution within the same Objective is not possible, Substitution may be allowed only by resolution of the Planning Commission.

(c) The Developer's RDCS application – RDCS2016-0008: Old Monterey-Kelly Vo and approval actions (as reflected in the official records, including agendas and minutes of the City Planning Commission on January 10, 2017 and City Council on February 15, 2017) shall be incorporated into this Agreement by this reference.

2.05 Construction Codes.

With respect to the development of any or all of the Project or the Property, Developer shall be subject to the California Building Code and all those other State-adopted construction, fire and other codes applicable to improvements, structures, and development, and the applicable version or revision of said codes by local City action (collectively referred to as "**Construction Codes**") in place at that time that a plan check application for a building, grading or other permit subject to such Construction Codes is submitted to City for approval, provided that such Construction Codes have been adopted by City and are in effect on a City-wide basis.

2.06 Timing of Development.

(a) Securing Building Permits and Beginning Construction. Developer is required to obtain any approvals or permits for the development of the Project in accordance with this Agreement, the Applicable Law, and the Project Approvals. However, any Subsequent Approval initiated by Property Owner which substantially changes the permitted uses or substantially increases the height, and density or floor area allowed under the Project Approvals, shall be subject to the rules, regulations, ordinances and official policies of the City then in effect. Developer agrees to secure building permits and to begin construction of the Project in accordance with the time requirements set forth in the Construction Codes and the RDCS, if applicable. In the event Developer fails to comply with the above permit issuance and beginning construction dates, and satisfactory progress towards completion of the project in accordance with the Construction Codes, Project Approvals, and

RDCS, Developer shall be in default of this Agreement, and must cure said default as provided in section 4.01 of this Agreement.

(b) Progress Reports Until Construction of Project is Complete. Developer shall make reports regarding the progress of construction in such detail and at such time as the Community Development Director of the City of Morgan Hill reasonably requests.

(c) City of Morgan Hill to Receive Construction Contract Documents. If the City reasonably requests copies of construction, off-site and landscaping contracts or documents, Developer agrees to furnish such documents to the City.

(d) Certificate of Completion. Within thirty (30) days after completion to the City's satisfaction of 100% of the total number of units in the Project, the City shall provide Developers with an instrument in recordable form certifying completion of the entire project.

2.07 Improvements.

In any instance where Developer is required to install improvements (including those set forth in Exhibit C), Developer shall obtain City approval of the plans and specifications and the timing and manner of the installation of improvements, and provided Developer has supplied all information required by City, City shall review and act on the application for such approval with good faith and in a reasonable manner. Where the actual cost of any improvement exceeds Developer's estimated cost or commitment, Developer shall be solely responsible for all improvement costs in excess of those approved by City unless otherwise provided for in a reimbursement agreement.

2.08 Overcapacity, Oversizing.

(a) City may require Developer to construct on-site and off-site improvements in a manner that provides for oversizing or overcapacity so that the constructed improvement will serve other development or residents or facilities and services outside of the Project ("**Oversizing**"). Such Oversizing shall be reasonable in scope. The Parties recognize that the City shall not require any Oversizing from Developer except in connection with the Project Approvals and in accordance with provisions of the Subdivision Map Act and Applicable Law.

(b) Unless no credit or reimbursement is owed to Developer pursuant to Section 2.04 of this Agreement, Developer's right to receive credits and reimbursements for Oversizing or excessive payment or performance shall be determined and processed pursuant to the City's Municipal Code and controlling practices (relative to credits and reimbursements) on the Effective Date.

2.09 New City Laws.

(a) City may apply any New City Law to the Project that is not in conflict with this Agreement and the Applicable Law it describes. City shall not apply any New City Law to the Project that is in conflict with this Agreement and the Applicable Law it describes, nor otherwise reduces the development rights or assurances provided by this Agreement. City shall not apply to the Project nor Property any no-growth or slow-growth ordinance, measure, policy, regulation or development moratorium either adopted by City or by a vote of the electorate and whether or not by urgency ordinance, interim ordinance, initiative, referendum or any other change in the laws of the City by any method or name which would alter the Applicable Law that may stop, delay, or effect the rate, timing or sequence of development.

(b) Without limiting the generality of the foregoing, and except as otherwise provided in this Agreement, a New City Law shall be deemed to be in conflict with this Agreement or the Applicable Law or to reduce the development rights provided hereby if the application to the Project would accomplish any of the following results, either by specific reference to the Project or as part of a general enactment which affects or applies to the Project:

(1) Change any land use designation or permitted use of the Property allowed by the Applicable Law or limit or reduce the density or intensity of the Project, or any part thereof, or otherwise require any reduction in the total number of residential dwelling units, square footage, floor area ratio, height of buildings, or number of proposed non-residential buildings, or other improvements;

(2) Limit or control the availability of public utilities, services, or facilities otherwise allowed by the Applicable Law;

(3) Limit or control the rate, timing, phasing or sequencing of the approval, development, or construction of all or any part of the Project in any manner, or take any action or refrain from taking any action that results in Developer having to substantially delay construction of the Project or require the acquisition of additional permits or approvals by the City other than those required by the Applicable Law;

(4) Limit or control the location of buildings, structures, grading, or other improvements of the Project in a manner that is inconsistent with or more restrictive than the limitations in the Existing Approvals.

(c) If City determines that it has the right pursuant to this Agreement to impose and apply a New City Law on the Property and Project, it shall send written notice to Developer of that City determination ("**Notice of New City Law**"). Upon receipt of the Notice of New City Law, if Developer believes that such New City Law is in conflict with this Agreement, Developer may send written notice to the City of the alleged conflict within thirty (30) days of receipt of City's Notice of New Law ("**Objection to New City Law**"). Developer's Objection to New City Law shall set forth the factual and legal reasons why Developer believes City cannot apply the New City Law to the Property/Project. City shall respond to Developer's Objection to New City Law ("**City Response**") within thirty (30) days of receipt of said Developer Objection to New City Law. The City Response shall set forth the factual and legal reasons why City believes it can apply the New City Law to the Project. Thereafter, the Parties shall meet and confer within thirty (30) days of the date of Developer's receipt of the City Response (the "**Meet and Confer Period**") with the objective of attempting to arrive at a mutually acceptable solution to this disagreement. Within fifteen (15) days of the conclusion of the Meet and Confer Period, City shall make its determination, and shall send written notice to Developer of that City determination. If City determines to "impose/apply" the New City Law to the Project, then Developer shall have a period of ninety (90) days from the date of receipt of such City determination within which to file legal action challenging such City action. In other words, a 90-day statute of limitations regarding Developer's right to judicial review of the New City Law shall commence upon Developer's receipt of City's determination following the conclusion of the Meet and Confer Period. If upon conclusion of judicial review of the New City Law (at the highest judicial level sought and granted), the reviewing court determines that Developer is not subject to the New City Law, such New City Law shall cease to be a part of the Applicable Law, and City shall return Developer to the position Developer was in prior to City's application of such New City Law (*e.g.*, City return fees, return dedications, etc.). The above-described procedure shall not be construed to interfere with City's right to adopt or apply the New City Law with regard to all other areas of City (excluding the Project).

(d) Developer in its sole and absolute discretion may elect to have applied to the Project a New City Law that is not otherwise a part of the Applicable Law, subject to the limitations set forth in this subdivision (d). In the event Developer so elects to be subject to a New City Law that is not otherwise a part of the Applicable Law, Developer shall provide notice to City of that election and thereafter such New City Law shall be part of the Applicable Law. In no event shall any New City Law become part of the Applicable Law if it would relieve Developer from, or impede Developer's compliance with, Developer's obligations pursuant to this Agreement, including without limitation Developer's obligations of full "Project Mitigation" pursuant to Section 2.03 or the "RDCS and Other Project Specific Requirement" pursuant to Section 2.04. Further, for the purposes of this Agreement, the "New City Laws" Developer may elect to be subject to pursuant to this Section shall not mean nor include any or all individual development agreements with other developers (including without limitation such development agreements' term and conditions, exhibits, etc.) executed before or after the Effective Date of this Agreement.

(e) City shall not be precluded from adopting and applying New City Laws to the Project to the extent that such New City Laws are specifically required to be applied by State or Federal laws or regulations, and implemented through the Federal, State, regional and/or local level ("**Mandated New City Laws**"), including without limitation those provisions in the Development Agreement Statute, or that such New City Laws are necessitated by or arise from a declaration of City, local, state or federal declaration of a state of emergency.

(f) In the event that an administrative challenge and/or legal challenge (as appropriate) to a Mandated New City Laws preventing compliance with this Agreement is brought and is successful in having the Mandated New City Law determined to not apply to this Agreement, this Agreement shall remain unmodified and in full force and effect.

ARTICLE 3

PROCESSING

3.01 Processing.

(a) This Agreement does not provide Developer with any right to the approval of Subsequent Approvals nor to develop or construct the Project beyond that which is authorized in the Existing Approvals. This Agreement simply provides a process by which such Subsequent Approvals may be processed by Developer, and later added to this Agreement, if and only if such Subsequent Approvals are compliant with all controlling California law (including Planning and Zoning Law and CEQA), and are adopted/approved by City, which shall retain all lawful discretion in this regard. The public review process is ongoing, and following the City's adoption of this Agreement, that public review process shall continue. Nothing in this Agreement shall be construed to limit the authority or obligation of City to hold necessary public hearings, or to limit the discretion of City or any of its officers or officials with regard to the Project Approvals that legally require the exercise of discretion by City. City's discretion as to the granting of Subsequent Approvals shall be the discretion afforded by the Applicable Law. The Parties agree that this Agreement does not modify, alter or change the City's obligations pursuant to CEQA and acknowledge that Subsequent Approvals may require additional environmental review pursuant to CEQA.

(b) Upon submission by Developer of any and all necessary and required applications for Subsequent Approvals and payment of any and all appropriate processing and other fees as provided in this Agreement, City shall use its best efforts to promptly commence and diligently complete all steps necessary to

acting on the requested Subsequent Approvals, including, but not limited to, (i) the holding of any and all required public hearings and notice for such public hearings, and (ii) the granting of the requested approval to the extent that it is consistent with Applicable Law.

3.02 Significant Actions by Third Parties Necessary to Implement the Existing Approvals.

(a) At Developer's sole discretion, Developer shall apply for such other permits, grants of authority, agreements, and other approvals from other private and/or public and quasi-public agencies, organizations, associations or other entities ("**Other Entity**") as may be necessary to the development of, or the provision of services and facilities to, the Project ("**Other Permits**").

(b) City shall cooperate with Developer in its endeavors to obtain any Other Permits and shall, from time to time, at the request of Developer, join with Developer in the execution of such permit applications and agreements as may be required to be entered into with any such other agency.

(c) In the event that any such Other Permit is not obtained from an Other Entity within the time permitted by law for such other entity to act and such circumstance materially deprives Developer of the ability to proceed with development of the Project or any portion thereof, or materially deprives City of a bargained-for public benefit of this Agreement, then, in such case, and at the election of either party, Developer and City shall meet and confer with the objective of attempting to mutually agree on solutions that may include alternatives, Subsequent Approvals, or an amendment(s) to this Agreement to allow the development of the Project to proceed with each Party substantially realizing its bargained-for benefit therefrom.

3.03 Establishment and Extension of Residential Development Control System Building Allotments.

Allotments shall be exercised pursuant to Section 18.156.160 of the Morgan Hill Municipal Code and Section IV.J of the RDCS Competition Manual. The City may approve an extension to the date by which an allotment must be exercised only as allowed by Section 18.156.170 of the City of Morgan Hill Municipal Code and Section IV.L of the RDCS Competition Manual. Extensions and allotment adjustments for ongoing projects shall be processed by Planning Commission resolution as provided in Section IV.H of the RDCS Competition Manual.

3.04 Amendments.

This Agreement may be amended from time to time by mutual consent in writing of the Parties to this Agreement in accordance with Government Code Section 65868. Any request by Developer for an amendment or modification to this Agreement or a Project Approval shall be subject to the applicable substantive and procedural provisions of the City's General Plan, zoning, subdivision, and other applicable land use ordinances and regulations (i.e., City review and approval) in effect when such an amendment or modification request is approved.

3.05 Administrative Amendment

Upon the written request of, and payment of the established fee by, Developer, Substitution of Commitments within the same criteria category may be processed administratively by the Community

Development Director. Any Administrative Amendment must be made in writing approved by the Director and approved by the City Attorney, and signed by the Developer.

ARTICLE 4

DEFAULT, VALIDITY PROVISIONS, ASSIGNMENT

4.01 Defaults.

(a) Any failure by City or Developer to perform any material term or provision of this Agreement, which failure continues uncured for a period of sixty (60) days (or 150 days for a Mortgagee (as that term is defined in Section 4.10(a)) following written notice of such failure from the other Party (unless such period is extended by written mutual consent) ("**Notice of Default**"), shall constitute a default pursuant to this Agreement ("**Default**"). Any Notice of Default shall specify the nature of the alleged failure and, where appropriate, the manner in which such alleged failure satisfactorily may be cured. If the nature of the alleged failure is such that it cannot reasonably be cured within such 60-day period (or 150 days for a Mortgagee), then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure within such 60-day period (or 150 days for a Mortgagee). If the alleged failure is cured, then no Default shall exist and the noticing Party shall take no further action. If the alleged failure is not cured, then a Default shall exist pursuant to this Agreement and the non-defaulting Party may exercise any of the remedies available pursuant to this Article.

(b) No failure or delay in giving notice of default shall constitute a waiver of default; provided, however, that the provision of written notice and opportunity to cure shall nevertheless be a prerequisite to the enforcement or correction of any default. Waiver of a breach or default pursuant to this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

4.02 Actions During Cure Period.

(a) During any cure period and during any period prior to any delivery of notice of failure or default, the Party charged shall not be considered in default for purposes of this Agreement. If there is a dispute regarding the existence of a default, the Parties shall otherwise continue to perform their obligations hereunder to the maximum extent practicable in light of the disputed matter and pending its resolution, or formal termination of the Agreement, as provided herein.

(b) City will continue to process in good faith development applications during any cure period, but need not approve any such application if it relates to an alleged default of Developer hereunder.

4.03 Resolution of Disputes.

(a) In the event either Party is in default pursuant to the terms of this Agreement, the other Party may elect, in its sole and absolute discretion, to pursue any of the following courses of action: (i) waive such default; (ii) pursue administrative remedies as provided herein; (iii) pursue judicial remedies as provided for herein; and/or (iv) terminate this Agreement.

(b) Except as otherwise specifically stated in this Agreement, either Party may, in addition to any other rights or remedies, institute legal action to cure, correct, or remedy any default by another Party to this

Agreement, to enforce any covenant or agreement herein, to enjoin any threatened or attempted violation hereunder, or to seek specific performance. It is expressly understood and agreed that the sole legal remedy available to Developer for a breach or violation of this Agreement by City shall be a legal action in mandamus, specific performance, and/or other injunctive or declaratory relief to enforce the provisions of this Agreement, and that Developer shall not be entitled to bring an action for damages including, but not limited to, lost profits, consequential damages or other economic damages. For purposes of instituting a legal action pursuant to this Agreement, any City Council determination pursuant to this Agreement shall be deemed a final agency action.

(c) If any dispute arises between or among the Parties as to interpretation or application of any of the terms of this Agreement, the Parties shall attempt to resolve the dispute in accordance with this Agreement prior to third party mediation, arbitration, or formal court action. As to any such dispute, the Parties shall first meet and confer in good faith to resolve the matter between themselves. Each Party shall make all reasonable efforts to provide to the other Party or Parties all information relevant to the dispute, to the end that all Parties will have appropriate and adequate information to resolve the dispute. Should the Parties not resolve the dispute informally, the Parties agree to meet and confer in an effort to agree on utilizing Judicial Arbitration Mediation Services ("JAMS") for Alternative Dispute Resolution ("ADR"). However, no party shall be required to use JAMS or ADR.

4.04 Periodic Review.

(a) The City shall review this Agreement at least once annually to assure compliance with the RDCS, at which time the Developer is required to demonstrate good faith compliance with the terms of this Agreement.

(b) If, as a result of such annual review, the City finds and determines, on the basis of substantial evidence, that Developer has not complied in good faith with the terms or conditions of this Agreement, the City may rescind all or part of the allotments awarded pursuant to the RDCS, in addition to all other legally available remedies.

4.05 Force Majeure Delay, Extension of Times of Performance.

(a) Performance by any Party hereunder shall be excused, waived or deemed not to be in default where delays or defaults are due to acts beyond a Party's control such as war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, unexpected acts of governmental entities other than City, including revisions to capacity ratings of the wastewater plant by the Regional Water Quality Control Board, the State Water Resources Board, enactment of conflicting State or Federal laws or regulations, or litigation (including without limitation litigation contesting the validity, or seeking the enforcement or clarification of this Agreement whether instituted by the Developer, City, or any other person or entity) (each a "**Force Majeure Event**").

(b) Any Party claiming a delay as a result of a Force Majeure Event shall provide the other Party with written notice of such delay and an estimated length of delay. Upon the other Party's receipt of such notice, an extension of time shall be granted in writing for the period of the Force Majeure Event, or longer as may be mutually agreed upon by the Parties, unless the other Party objects in writing within ten (10) days after receiving the notice. In the event of such objection, the Parties shall meet and confer within thirty (30) days after the date of objection to arrive at a mutually acceptable solution to the disagreement regarding the delay. If no mutually acceptable solution is reached, any Party may take action as permitted in this Agreement.

4.06 Third Party Legal Actions.

(a) In the event of any administrative, legal or equitable action or other proceeding instituted by any person, entity or organization (that is not a Party to this Agreement) challenging the validity of this Agreement, any Project Approvals, or the sufficiency of any environmental review pursuant to CEQA ("**Third-Party Challenge**"), the Parties shall cooperate with each other in good faith in the defense of any such challenge.

(b) City shall have the option to defend such Third-Party Challenge or to tender the complete defense of such Third-Party Challenge to the Developer ("**Tender**"). If City chooses to defend the Third-Party Challenge or Developer refuses City's Tender, City shall control all aspects of the defense and Developer shall pay City's attorneys' fees and costs (including related court costs).

(c) If Developer accepts City's Tender, Developer shall control all aspects of the defense and shall pay its own attorneys' fees and costs (including related court costs), and shall indemnify and hold harmless City against any and all third-party fees and costs arising out of such Third-Party Challenge. If City wishes to assist Developer when Developer has accepted the Tender, Developer shall accept that assistance and City shall pay City's own attorneys' fees and costs (including related court costs) ("**City Costs**"), and Developer shall pay its own attorneys' fees and costs (including related court costs), and shall indemnify and hold harmless City against any and all third-party fees and costs arising out of such Third Party Challenge (such third party fees and costs shall not include City Costs).

(d) If any part of this Agreement or any Project Approval is held by a court of competent jurisdiction to be invalid, the City shall: (1) use its best efforts to sustain and/or re-enact that part of this Agreement and/or Project Approval; and (2) take all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Agreement, and then adopting or re-enacting such part of this Agreement and/or Project Approval as necessary or desirable to permit execution of this Agreement and/or Project Approval.

4.07 Estoppel Certificate.

(a) Any Party may, at any time, and from time to time, deliver written notice to any other Party, and/or to the Developer's lender, requesting such Party to certify in writing that, to the knowledge of the certifying Party:

(1) This Agreement has not been amended or modified either orally or in writing or if so amended, identifying the amendments.

(2) The Agreement is in effect and the requesting Party is not known to be in default of the performance of its obligations pursuant to this Agreement, or if in default, to describe therein the nature and amount of any such defaults.

(b) This written certification shall be known as an "**Estoppel Certificate.**" A Party receiving a request hereunder shall execute and return such Estoppel Certificate within ten (10) days following the receipt of the request, unless the Party, in order to determine the appropriateness of the Estoppel Certificate, promptly commences and proceeds to conclude an Annual Review. The Parties acknowledge that an Estoppel Certificate may be relied upon by Assignees and other persons having an interest in the Project, including holders of mortgages and deeds of trust. The City Manager shall be authorized to execute an Estoppel Certificate for City.

(c) If a Party fails to deliver an Estoppel Certificate within the ten (10) day period, as provided for in Section 4.07(b) above, the Party requesting the Estoppel Certificate may deliver a second notice (the "**Second Notice**") to the other Party stating that the failure to deliver the Estoppel Certificate within ten (10) working days following the receipt of the Second Notice shall constitute conclusive evidence that this Agreement is without modification and there are no unexcused defaults in the performance of the requesting Party. Failure to deliver the requested Estoppel Certificate within the ten (10) working day period shall then constitute conclusive evidence that this Agreement is in full force and effect without modification and there are no unexcused defaults in the performance of the requesting Party.

4.08 Assignment/Covenants Run with the Land.

(a) Right to Assign. Developer shall have the right to sell, assign, or transfer this Agreement with all its rights, title and interests therein to any person, firm or corporation acquiring an interest in the Project or Property (or portion thereof associated with the Project) at any time during the term of this Agreement ("**Assignee**"). Developer shall provide City with written notice of any assignment or transfer of all or a portion of the Property no later than thirty (30) days prior to such action, which notice shall include specific portions of the Project or Property to be assigned and the proposed form of assignment. Any proposed assignment shall be subject to the express written consent of City, which consent shall not be unreasonably withheld, delayed or conditioned. City's approval of a proposed assignment or transfer shall be based upon the proposed assignee's reputation, experience, financial resources and access to credit and capability to successfully carry out the development of the Property to completion. The written assignment, assumption or release of rights or obligations with respect to a portion of the Project or of the Property shall specify the portion of the Project or Property and the rights assigned and obligations assumed, and shall be approved by the City Attorney. The express written assumption by an Assignee of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred shall relieve Developer of such obligations so assumed. Any such assumption of Developer's obligations pursuant to this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form as may be approved by the City Attorney.

(b) Release Upon Assignment. Upon assignment, in whole or in part, and the express written assumption by the Assignee of such assignment, of Developer's rights and interests pursuant to this Agreement, Developer shall be released from its obligations with respect to the Property/Project (or any portion thereof), and any lot, parcel, or portion thereof so assigned to the extent arising subsequent to the effective date of such assignment. A default by any Assignee shall only affect that portion of the Property/Project owned by such Assignee and shall not cancel or diminish in any way Developer's rights or obligations hereunder with respect to the assigned portion of the Property/Project not owned by such Assignee. The Assignee shall be responsible for the reporting and annual review requirements relating to the portion of the Property/Project owned by such Assignee, and any amendment to this Agreement between City and Assignee shall only affect the portion of the Property/Project owned by such Assignee.

(c) Covenants Run with the Land. This Agreement and all of its provisions, agreements, rights, powers, standards, terms, covenants and obligations shall be binding upon the Parties and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, devisees, administrators, representatives, lessees, and all other persons or entities acquiring the Project and/or Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. All of the provisions of this Agreement shall be enforceable during the Term as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including, but not limited to Civil Code Section 1468.

This Agreement shall not be binding upon any consumer, purchaser, transferee, devisee, assignee, or any other successor of Developer acquiring a completed residential unit comprising all or part of the Project (“**Consumer**”) unless such Consumer is specifically bound by a provision of this Agreement or by a separate instrument or Agreement.

4.09 Encumbrances on the Property.

The parties hereto agree that this Agreement shall not prevent or limit Developer, in any manner, at Developer's sole and absolute discretion, from encumbering the Property, or any portion thereof or any improvements thereon with any Mortgage securing financing with respect to the construction, development, use or operation of the Project. Mortgagee may require certain modifications to this Agreement, and City shall negotiate in good faith any such request for modification or subordination.

4.10 Obligations and Rights of Mortgage Lenders.

(a) The holder of any mortgage, deed of trust or other security arrangement with respect to the Property, or any portion thereof (“**Mortgagee**”), shall not be obligated pursuant to this Agreement to construct or complete improvements or to guarantee such construction or completion, but shall otherwise be bound by all of the terms and conditions of this Agreement that pertain to the Property or such portion thereof in which it holds an interest.

(b) Each Mortgagee shall be entitled to receive written notice from City of results of the annual review to be done pursuant to Section 4.04 and any default by Developer pursuant to this Agreement, provided such Mortgagee has informed City of its address for notices. Each Mortgagee shall have a further right, but not an obligation, to cure such default in accordance with the default and default cure provisions in Sections 4.01, 4.02, and 4.03 of this Agreement. In the event Developer (or any permitted Assignee) becomes subject to an order for relief pursuant to any chapter of Title 11 of the United States Code (the “**Bankruptcy Code**”), the cure periods provided for a Mortgagee in Section 4.01(a) of this Agreement shall be tolled for so long as the automatic stay of Section 362 of the Bankruptcy Code remains in effect as to Developer (or any permitted Assignee); provided, however, if City obtains relief from the automatic stay pursuant to Bankruptcy Code Section 362 to declare any default by or exercise any remedies against Developer (or any permitted Assignee), the tolling of any Mortgagee's cure period shall automatically terminate on the earlier of: (i) the date that is sixty days after entry of the order granting City relief from the automatic stay, or (ii) the date of the entry of an order granting Mortgagee relief from the automatic stay. Each Mortgagee shall be entitled to receive written notice from City of the filing of any motion by City in which City seeks relief from the automatic stay of Section 362 of the Bankruptcy Code to declare any default by or exercise any remedies against Developer (or any permitted Assignee).

(c) Any Mortgagee who comes into possession of the Property, or any portion thereof, pursuant to a foreclosure of a mortgage or a deed of trust, or deed in lieu of such foreclosure, shall take the Property, or such portion thereof, subject to any pro rata claims for payments or charges against the Property, or such portion thereof, that have accrued prior to the time such holder comes into possession. In addition, any Mortgagee who comes into possession of the Property or any portion thereof, pursuant to a foreclosure of mortgage or deed of trust, or deed in lieu of such foreclosure, shall, subject to Section 4.10(a) above, be a permitted Assignee and, as such, shall succeed to all the rights, benefits and obligations of Developer pursuant to this Agreement.

(d) Nothing in this Agreement shall be deemed to be construed to permit or authorize any such holder to devote the Property, or any portion thereof, to any uses, or to construct any improvements thereof, other than those uses and improvements provided for or authorized by this Agreement, subject to all of the terms and conditions of this Agreement.

4.11 Termination.

This Agreement shall terminate upon the expiration of the Term, as set forth in Section 1.03(a), or at such other time as this Agreement is terminated in accordance with the terms hereof, whichever occurs first. Upon termination of this Agreement, the City shall record a notice of such termination, in a form satisfactory to the City Attorney that the Agreement has been terminated.

ARTICLE 5

GENERAL PROVISIONS

5.01 Miscellaneous.

(a) Preamble, Recitals, Exhibits. References herein to "this Agreement" shall include the Preamble, Recitals and all of the exhibits of this Agreement.

(b) Requirements of Development Agreement Statute. The permitted uses of the Property; density and/or intensity of use of the Property; the maximum height and size of proposed buildings and other structures; provisions for reservation or dedication of land for public purposes; location of public improvements; and other terms and conditions applicable to the Project shall be those set forth in the Applicable Law.

(c) Governing Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of California and legal actions commenced pursuant to or pursuant to this Agreement shall be brought in Santa Clara Superior Court. Should any legal action be brought by a Party for breach of this Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs, and such other costs as may be fixed by the court.

(d) Project as a Private Undertaking. No partnership, joint venture, or other association of any kind between Developer, on the one hand, and City on the other hand, is formed by this Agreement. The development of the Property is a separately undertaken private development. The only relationship between City and Developer is that of a governmental entity regulating the development of private Property and the owners of such private Property.

(e) Indemnification. Developer shall hold City, its elective and appointive boards, commissions, officers, agents, and employees, harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage which may arise from Developer's contractors, subcontractors', agents' or employees' operations on the Project, whether such operations be by Developer or by any Developer's contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for Developer or any of Developer's contractors or subcontractors. Developer shall indemnify and defend City and its elective and appointive boards, commissions, officers, agents and employees from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of any of the aforesaid operations and Developer shall pay all reasonable attorney's fees and costs that the

City may incur. City does not, and shall not, waive any rights against Developer which it may have by reason of the aforesaid hold-harmless requirement of Developer because of the acceptance of improvements by City, or the deposit of security with City by Developer. The aforesaid hold-harmless requirement of Developer shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this subsection, regardless of whether or not City has prepared, supplied or approved of, plans and/or specifications for the subdivision. Notwithstanding anything herein to the contrary, Developer's indemnification of City shall not apply to the extent that such action, proceedings, demands, claims, damages, injuries or liability is based upon the active negligence of the City.

(f) Insurance. Developer shall, during the life of this Agreement take out and maintain insurance coverage with an insurance carrier authorized to transact business in the State of California as will protect the Developer or any Contractor or any Subcontractor or anyone directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable, from claims for damages because of bodily injury, sickness, disease, or death of their employees or any person other than their employees, or for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom. The minimum limits of liability for such insurance coverage which shall include comprehensive general and automobile liability, including contractual liability assumed pursuant to this Agreement, shall be as follows:

Limit of Liability for Injury or Accidental Death:

Per Occurrence \$1,000,000

Limit of Liability for Property Damage:

Aggregate Liability for Loss \$1,000,000

Such liability insurance policies shall name the City as an additional insured, by separate endorsement, and shall agree to defend and indemnify the City against loss arising from operations performed pursuant to this agreement and before permitting any Contractor or Subcontractors to perform work pursuant to this agreement, the Developer shall require Contractor or Subcontractors to furnish satisfactory proof that insurance has been taken out and is maintained similar to that provided by the Developer as it may be applied to the Contractor's or Subcontractor's work.

(g) Interpretation/Construction. This Agreement has been reviewed and revised by legal counsel for both Developer and City, and any rule or presumption that ambiguities shall be construed against the drafting Party shall not apply to the interpretation or enforcement of this Agreement. The standard of review of the validity and meaning of this Agreement shall be that accorded legislative acts of City. As used in this Agreement, and as the context may require, the singular includes the plural and vice versa, and the masculine gender includes the feminine and neuter and vice versa.

(h) Notices.

(1) All notices, demands, or other communications that this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed, via first class mail, to the respective Party at the below listed address. Notice shall be deemed effective and received five days after the date of mailing or upon personal delivery.

If to City: City Clerk
17575 Peak Avenue
Morgan Hill, CA 95037
Tel: (408) 779-7259
Fax: (408) 779-3117

With a Copy To: City Attorney
17575 Peak Avenue
Morgan Hill, CA 95037
Tel: (408) 779-7271
Fax: (408) 779-1592

If to Developer: Kelly Vo
Appletree Investment LLC
PO Box 32115
San Jose, CA 95132
Tel: (408) 889-4507

With a Copy To: Vince Burgos
Development Process Consultants
220 Live Oak Drive
Danville, CA 94506
Tel: (408) 421-2695

(2) Any Party may change the address stated herein by giving notice in writing to the other Parties, and thereafter notices shall be addressed and transmitted to the new address. Any notice given to the Developer as required by this Agreement shall also be given to any lender which requests that such notice be provided. Any lender requesting receipt of such notice shall furnish in writing its address to the Parties to this Agreement.

(i) Recordation. The Clerk of the City shall record, within ten (10) days after the Effective Date, a copy of this Agreement in the Official Records of the Recorder's Office of Santa Clara County. Developer shall be responsible for all recordation fees, if any.

(j) Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a specific situation, is found to be invalid, void, or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect.

(k) Jurisdiction. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed pursuant to the laws of the State of California.

(l) Entire Agreement. This Agreement, including these pages and all the exhibits (set forth below) inclusive, and all documents incorporated by reference herein, constitute the entire understanding and agreement of the Parties.

(m) Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Developer and City. This Agreement may be executed in multiple originals, each of which is deemed to be an original.

(n) Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts shall together constitute one and the same instrument.

(o) Exhibits. The following exhibits are attached to this Agreement and are hereby incorporated herein by this reference for all purposes as if set forth herein in full:

Exhibit A Legal Description of Lot on Which Project is to be Located.

Exhibit B Description of Project.

Exhibit C RDCS Specific Restrictions and Requirements.

Signatures of all parties are on the following page.

///

///

///

IN WITNESS WHEREOF, City and Developer have executed this Agreement as of the date first hereinabove written.

CITY OF MORGAN HILL:

s/ _____

Christina J. Turner
City Manager

Date: _____

Attest:

s/ _____

Deputy City Clerk

Approved as to Form:

s/ _____

Donald A. Larkin
City Attorney

Date: _____

DEVELOPER:

s/ _____

Kelly Vo
Appletree Investment LLC

Date: _____

*Corporate entities must provide a
second signature:*

s/ _____

Name/Title [print]

Date: _____

Adopted by Ordinance No. _____
by action of City Council on _____

**(ALL SIGNATURES, EXCEPT CITY CLERK AND CITY ATTORNEY,
MUST BE ACKNOWLEDGED BY A NOTARY)**

Attachment: Development Agreement [Revision 2] (2299 : Subdivision Old Monterey-Kelly Vo)

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY ON WHICH

PROJECT IS BE LOCATED

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MORGAN HILL, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

A PORTION OF LOTS 1 AND 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MORGAN HILL RANCH MAP NO. 3", WHICH WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON SEPTEMBER 21, 1892 IN BOOK G OF MAPS, PAGES 20 AND 21 AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF MADRONE ROAD, AT THE NORTHERNMOST CORNER OF LOTS 1, AS SAID ROAD AND LOT ARE SHOWN ON THE MAP ABOVE REFERRED TO; THENCE FROM SAID POINT OF BEGINNING, SOUTH 57° 58' WEST ALONG THE NORTHWESTERLY LINE OF SAID LOT 1 FOR A DISTANCE OF 188.95 FEET TO THE NORTHERNMOST CORNER OF THAT CERTAIN 0.646 ACRE TRACT OF LAND DESCRIBED AS PARCEL ONE IN THE DEED TO JAMES J. CAMPOLI, ET UX, RECORDED FEBRUARY 15, 1961 IN BOOK 5072, PAGE 709 OF OFFICIAL RECORDS; THENCE SOUTH 38° 36' EAST ALONG THE NORTHWESTERLY LINE OF SAID 0.646 ACRE TRACT FOR A DISTANCE OF 295.27 FEET TO THE EASTERNMOST CORNER THEREOF IN THE NORTHWESTERLY LINE OF THAT CERTAIN 5.551 ACRE TRACT OF LAND DESCRIBED AS PARCEL ONE IN THE DEED TO NICK RIZZI, ET UX, RECORDED JUNE 13, 1944 IN BOOK 1206, PAGE 111 OF OFFICIAL RECORDS; THENCE NORTH 55° 22' EAST ALONG THE NORTHWESTERLY LINE OF SAID 5.551 ACRE TRACT, FOR A DISTANCE OF 188.42 FEET TO THE NORTHERNMOST CORNER THEREOF IN SAID SOUTHWESTERLY LINE OF MADRONE ROAD; THENCE NORTH 38° 45' WEST ALONG SAID LAST MENTIONED LINE 285.12 FEET TO THE POINT OF BEGINNING.

Attachment: Development Agreement [Revision 2] (2299 : Subdivision Old Monterey-Kelly Vo)

BOOK 764	PAGE 24
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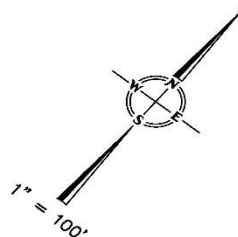
**Packet Pg. 76**

EXHIBIT B**DESCRIPTION OF PROJECT**

**RDCS APPLICATION NO. RDCS2016-0008: OLD MONTEREY-KELLY VO
FOR A RESIDENTIAL DEVELOPMENT PROJECT THAT INCLUDES SIX LOTS,
WITH FIVE NEW SINGLE FAMILY DWELLING UNITS AND ONE EXISTING
DWELLING UNIT.**

Attachment: Development Agreement [Revision 2] (2299 : Subdivision Old Monterey-Kelly Vo)

EXHIBIT C

SPECIFIC RESTRICTIONS AND REQUIREMENTS

(INCLUDING RDCS REQUIREMENTS)

The following restriction and requirements apply to the Development proposed in the RDCS application date September 1st, 2016 or RDCS application #2016-0008 and shall apply to that portion of the Property included in the said phases of the development on the Property. The following chart describes the applicable reference in the Morgan Hill Municipal Code to the requirement, a description of the commitments specific to the Project, the requirement timing of the implementation and the total estimated costs of improvement or applicable fee commitment. These commitments are IN ADDITION to any mitigation requirements pursuant to CEQA, impact fees, in-lieu fees or other requirements pursuant to federal or state laws, or the Morgan Hill Municipal Code (See Section 2.03 of the Agreement)

*Contribution estimates may require augmentation for the completion of improvements. Impact fees are subject to the provisions of Section 2.03 (b) of this Agreement.

Section No.	Category/Criteria	Public Benefit/Commitment	Implementation	Estimated Contribution
	Public Schools			
B.1	Developer Fees	Commit to payment of district adopted developer fees as provided by the Leroy F. Green School Facilities Act of 1988.	Prior to the issuance of building permit	\$4,950 per unit
B.4	Off-site pedestrian safety improvements	Provide off-site pedestrian safety improvements or traffic safety improvements to an elementary school located within 3/4 miles of the project site or to a middle school or high school up to \$4,950 per unit. Project commits to provide safe walking improvements as designated	Prior to the issuance of building permit	\$4,950 per unit

EXHIBIT C

-1-

Section No.	Category/Criteria	Public Benefit/Commitment	Implementation	Estimated Contribution
		by MHUSD and the City of Morgan Hill Public Works Department.		
	Open Space			
B.4.b	TDC for projects (>25 units)	The project commits to double TDC's	Prior to building permit final	Double TDC fee per unit, applicable rate applies at time of payment.
	Orderly and Contiguous Development			
B.2	Fills in existing utility lines	Property owner or designee agrees to fill in 1 water line, 1 sewer line, 1 stormdrain, and 1 fire. The required utility easements shall be obtained prior to approval of the Final/Parcel Map and public improvement plans.	Prior to Site Review Approval	N/A
	Public Facilities			
B.2.b	Drainage concept consistent with City's storm drain system	Project drainage concept will be consistent with City's Storm drain system (e.g., the City Storm Drainage Master Plan, local area storm drain system)	Prior to Improvement Plan approval	N/A
B.2.f	Excess public improvements	Applicant will provide public improvements at \$4,400/unit.	Prior to Improvement Plan approval	\$4,400 per unit

Section No.	Category/Criteria	Public Benefit/Commitment	Implementation	Estimated Contribution
B.2.g	Contribution to RDCS Capital Improvements fund	Applicant will contribute \$1,100 per unit to the RDCS Capital Improvement Program Fund	Prior to Improvement Plan approval	\$1,100 per unit
	Parks and Paths			
B.1	Park in-lieu fee (<50 units)	The project shall pay an in-lieu fee consistent with the requirements contained in Chapter 17.28 of the Municipal Code.	Prior to Parcel Map Approval	See Chapter 17.28 for fee calculation
B.2	On-site recreational amenities			
B.3	Bicycle/equestrian/pedestrian paths	Project shall provide at least 0.15 miles of Class II bike lanes. Prior to installation, the Project shall coordinate with City of Morgan Hill to determine the location for the Class II bike lane improvements to be installed	Prior to issuance of Offsite Improvements	N/A
B.7	Additional park fees (in-lieu fee) for projects (>50 units)	In addition to standard park fees, project shall pay the lesser of either twelve times the in-lieu park fees or \$4,400 per unit.	Prior to Parcel Map Approval	Twelve times the in-lieu park fees or \$4,400 per unit. Whichever is less.
	Housing Needs			
B.1	15% Granny units or R-2 projects 10%-25% single family units	Applicant commits to 2 secondary dwelling units for 2 points.	Prior to Site Review Approval	N/A

Section No.	Category/Criteria	Public Benefit/Commitment	Implementation	Estimated Contribution
B.2.a	Standard Housing Fee	Applicant agrees to pay the standard housing fee	Prior to Building Permit final	\$12,000
B.2.b	Double Housing Fee	Applicant agrees to pay double the standard housing fee.	Prior to Building Permit final	\$24,000
	Quality of Construction Standards			
B.1.a	OSB/Plywood wrap	The project will include the installation of OSB/Plywood wrap.	Prior to Building Permit issuance	N/A
B.1.b	Foundations	The project will utilize alternate materials in the concrete mix such as fly ash, slag, silica fume or rice hull to achieve a 20% reeducation of cement.	Prior to Building Permit issuance	N/A
B.1.c	Wallboard	The project will include the installation of light weight wallboard for all walls excluding code requirement for fire walls.	Prior to Building Permit issuance	N/A
B.1.d	Electrical raceway	The project will include installation of one dedicated ¾ inch electrical raceway for a future circuit to accommodate two 220 Volt electric car charging stations inside the garage.	Prior to Building Permit issuance	N/A
B.1.f	90% high efficiency fan forced heating	The project will include the installation of 90% high efficiency fan forced heating	Prior to Building Permit issuance	N/A

Section No.	Category/Criteria	Public Benefit/Commitment	Implementation	Estimated Contribution
B.1.g	Zoned heating and air conditioning	The project will include the installation of zoned heating and air conditioning for all one and two-story homes. For multi-family projects with multi-story units, air returns are installed on two floors to improve temperature distribution.	Prior to Building Permit issuance	N/A
B.1.h	Multiple efficiency improvements	The project will include: 1) the installation of listed sound attenuated materials in walls that adjoin a bathroom and/or bedroom walls, 2) installation of high efficiency energy star water heater with energy factor of 0.70, 3) the installation of ultra-high efficiency or dual flush toilet, and 4) installation of rain sensor monitor on irrigation system.	Prior to Building Permit issuance	N/A
	Safety and Security			
B.1.a	Fire proof safe	Project will install a fireproof safe in each unit.	Prior to Building Permit issuance	N/A
B.1.b	First aid kit	Project will provide a first aid kit with poison control document in the kitchen of each unit.	Prior to Building Permit issuance	N/A
B.1.d	Outdoor lighting	Applicant commits to providing lighting on all buildings that meet Police Department specifications, California Electrical Code and MHMC. Applicant will install motion detector light on each unit.	Prior to Building Permit issuance	N/A

EXHIBIT C

-5-

Attachment: Development Agreement [Revision 2] (2299 : Subdivision Old Monterey-Kelly Vo)

Section No.	Category/Criteria	Public Benefit/Commitment	Implementation	Estimated Contribution
B.1.f	Illuminated address numbers	Applicant commits to installing lighted address numbers on each building and illuminated unit numbers on each dwelling unit. Applicant commits to installing painted reflective curb numbers where possible.	Prior to Building Permit issuance	N/A
B.2	Crime Prevention through Environmental Design (CPTED)	Applicant commits to utilizing the design principles of CPTED of natural surveillance, territorial reinforcement for each dwelling unit.	Prior to Building Permit issuance	N/A
B.3	Lockable hardware	Applicant commits to installing lockable hardware on all side yard and patio gates.	Prior to Building Permit issuance	N/A
B.4	Central Monitoring	Project will install an intrusion, fire alarm, and heat detector system, monitored by a central station. Project will provide a one year monitoring contract with the purchase of each unit.	Prior to Building Permit issuance	N/A
	Livable Communities			
B.6	Architectural variation	Applicant will provide porches, two different roof lines, architectural profiles and massing and consistent architectural relief and detaining per stated requirements:	Prior to Site Review Approval	N/A

Section No.	Category/Criteria	Public Benefit/Commitment	Implementation	Estimated Contribution
		a. Uses porches, balconies, for any area viewed from the public right-of-way or multi-unit courtyards interior to the project on at least 25% of units to promote a neighborhood feel. b. Uses at least two different roof lines and two different pitches throughout the project, i.e. gable, hipped, dormers, Mansard, etc. c. Uses architecture and profiles and massing that are compatible and works with the existing surrounding neighborhoods. Applicable only where a project adjoins an existing neighborhood on at least one side or twenty-five percent of the project's frontage. d. Provides a consistent level of architectural relief and detailing on all four building elevations. Where two-story rear and/or side-yard building elevations occur, architectural relief shall include some third dimensional design element such as bay windows, balconies, covered porches, decorative trellis, etc. In addition, each standard trim and base color must represent no more than 15%		

EXHIBIT C

-7-

Section No.	Category/Criteria	Public Benefit/Commitment	Implementation	Estimated Contribution
		(project size permitting) of the project.		
B.7	Maximizes privacy	Windows on sides will alternate. Noise producing elements [i.e. air conditioners] are located away from the property lines.	Prior to Site Review Approval	N/A

Appletree Investment

site development plan / tentative map



applicant:
KELLY VO
PO BOX 32115
SAN JOSE, CA 95152

engineer:
MH ENGINEERING
16075 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 779-7381

setback notes:
7,000
TYPICAL FRONT YARD SETBACK: 20'-25'
TYPICAL REAR YARD SETBACK: 20'-25'
TYPICAL SIDE YARD SETBACK: 5'-12.5'

building coverage calcs:
PROJECT NET AREA: 1.043 ACRES
DRIVEWAY COVERAGE: 0.080 ACRES
BUILDING COVERAGE: 0.283 ACRES
% BUILDING COVERAGE: 29.48%

building notes:

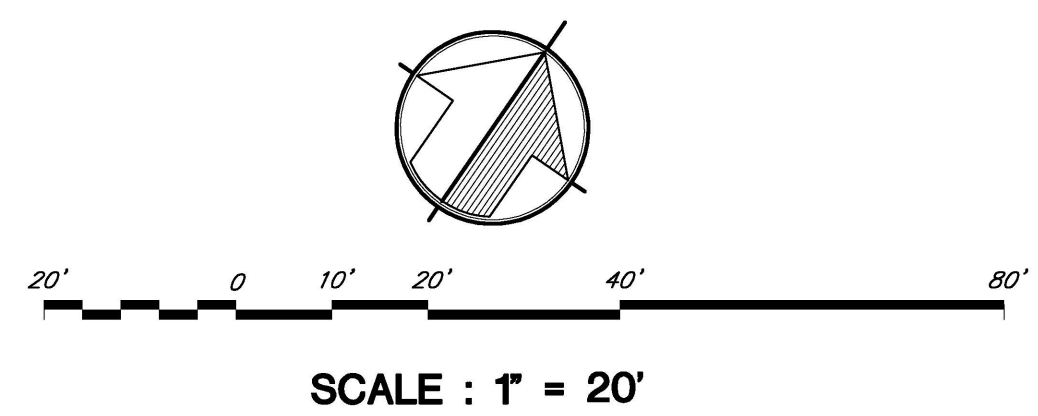
LOT	PLAN
1	RELOCATED HOUSE
2	PLAN 1A-R
3	PLAN 2B-R
4	PLAN 2A
5	PLAN 1A
6	PLAN 1B-R

building mix:

RELOCATED	1
PLAN 1	3
PLAN 2	2
TOTAL	6

density calcs:
TOTAL PROJECT AREA: 1.043 ACRES
DEDICATED RIGHT OF WAY: 0.000 ACRES
PROJECT NET ACREAGE: 1.043 ACRES
NO. UNITS ALLOWED: 6 UNITS
NO. UNITS PROPOSED: 6 UNITS
OPEN SPACE AREA: 0.000 ACRES

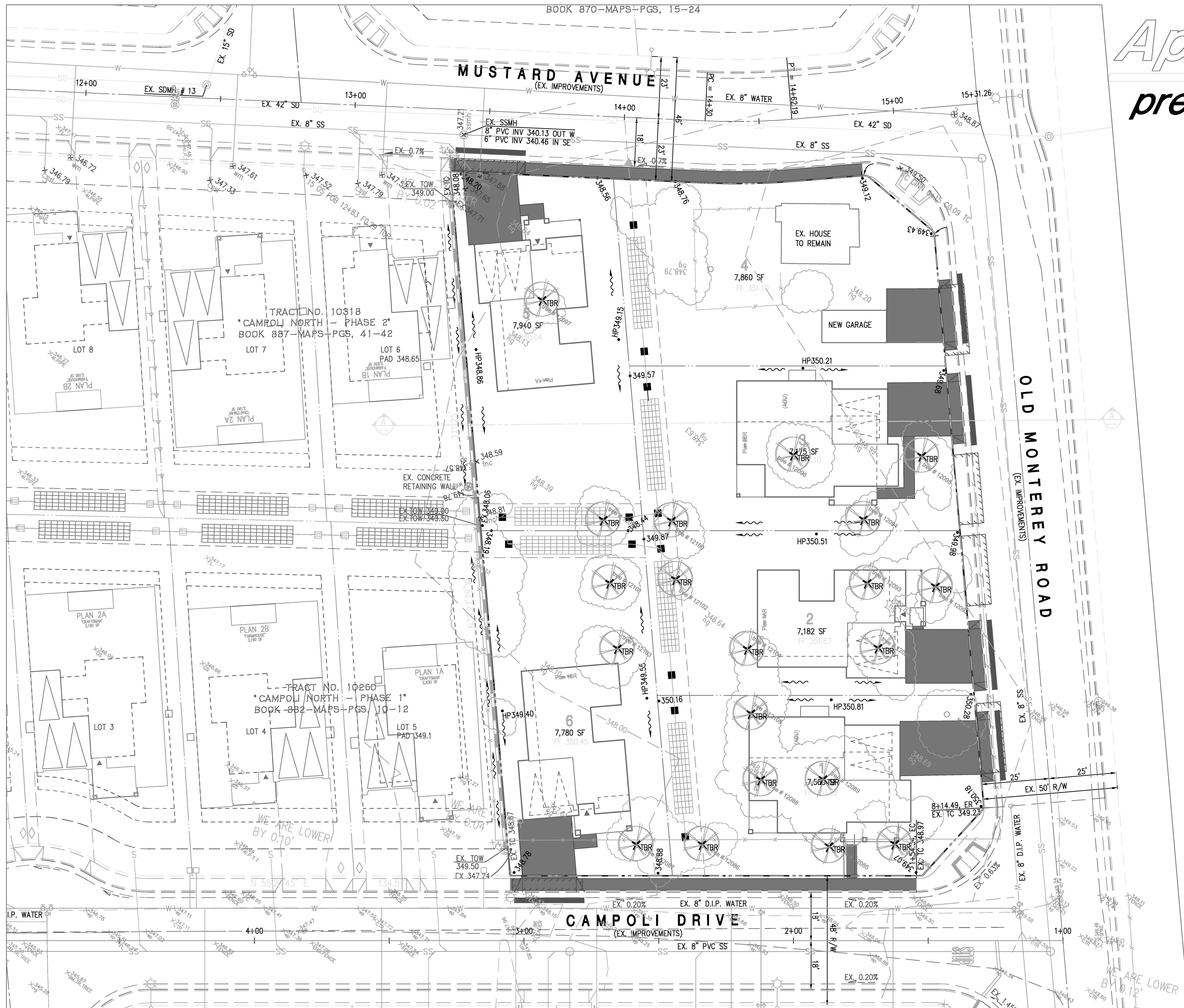
DpC
DEVELOPMENT
PROCESS
CONSULTANTS
220 LIVE OAK DRIVE
(408)-421-2695
DANVILLE, CA 94506
EMAIL: VRBURGOS@HOTMAIL.COM



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Xref's: 215087.2 TP, 215087.2 PLO-TEXT, 215087.2 HATCH, 215087 LO New

Attachment: Tentative Subdivision Map 10/4/2019 [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

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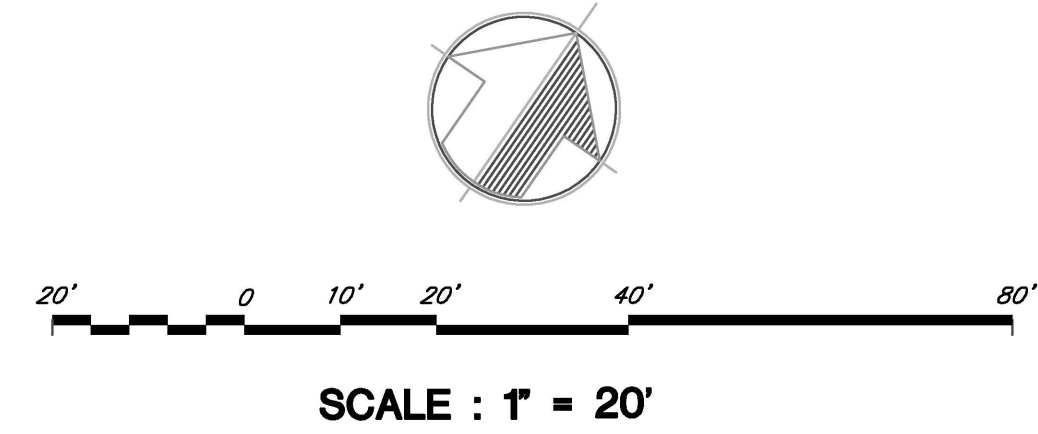


Appletree Investment

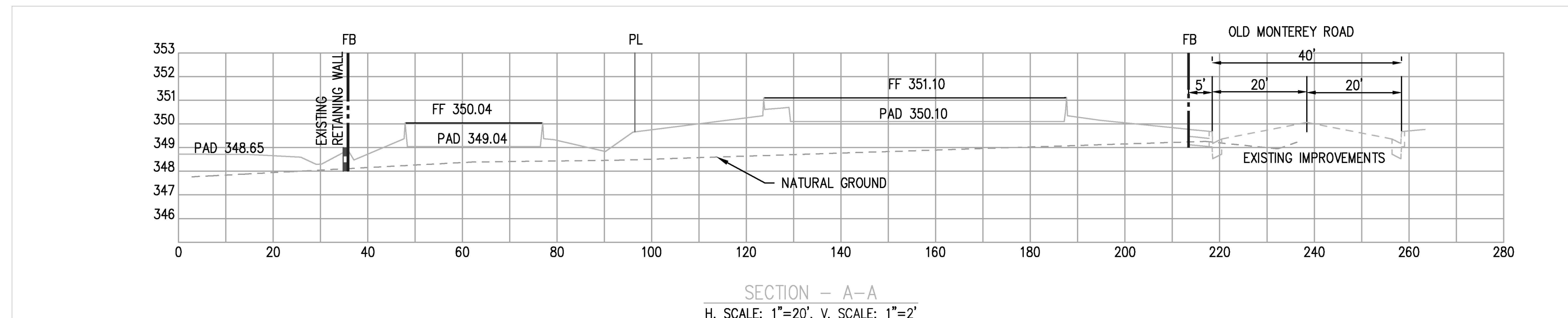
preliminary grading plan

legend

- TREE TO REMAIN
- TREE TO BE REMOVED
- "RAINTANK" INFILTRATION TANK
- STORM DRAIN INLET



SCALE : 1" = 20'



applicant:

Kelly Vo
P.O. Box 32115
San Jose, CA 95132
(408) 779-4507

engineer:

MH ENGINEERING
16075 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 779-7381

planner:

VINCE BURGOS
220 LIVE OAK DRIVE
DANVILLE, CA 94506
(408) 421-2695

DpC
DEVELOPMENT
PROCESS
CONSULTANTS

220 LIVE OAK DRIVE DANVILLE, CA 94506
(408) 421-2695 EMAIL: VRBURGOS@HOTMAIL.COM

MH engineering Co.
18075 Vineyard Boulevard Morgan Hill, CA 95037

DATE: 2/19 DRAWN: RS CHECKED: WJM

sheet

2

of 02

215087.2

Appletree Investment

site development plan / tentative map



applicant:

KELLY VO
PO BOX 32115
SAN JOSE, CA 95152

engineer:

MH ENGINEERING
16075 VINEYARD BLVD.
MORGAN HILL, CA 95037
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PROJECT NET AREA:	1.043 ACRES
DRIVEWAY COVERAGE:	0.080 ACRES
BUILDING COVERAGE:	0.283 ACRES
% BUILDING COVERAGE:	29.48%

building notes:

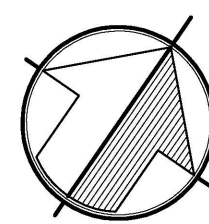
LOT	PLAN
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2	PLAN 1A-R
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building mix:

RELOCATED	1
PLAN 1	3
PLAN 2	2
TOTAL	6

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TOTAL PROJECT AREA:	1.043 ACRES
DEDICATED RIGHT OF WAY:	0.000 ACRES
PROJECT NET ACREAGE:	1.043 ACRES
NO. UNITS ALLOWED:	6 UNITS
NO. UNITS PROPOSED:	6 UNITS
OPEN SPACE AREA:	0.000 ACRES



20' 0 10' 20' 40' 80'

SCALE : 1" = 20'

DpC
DEVELOPMENT
PROCESS
CONSULTANTS

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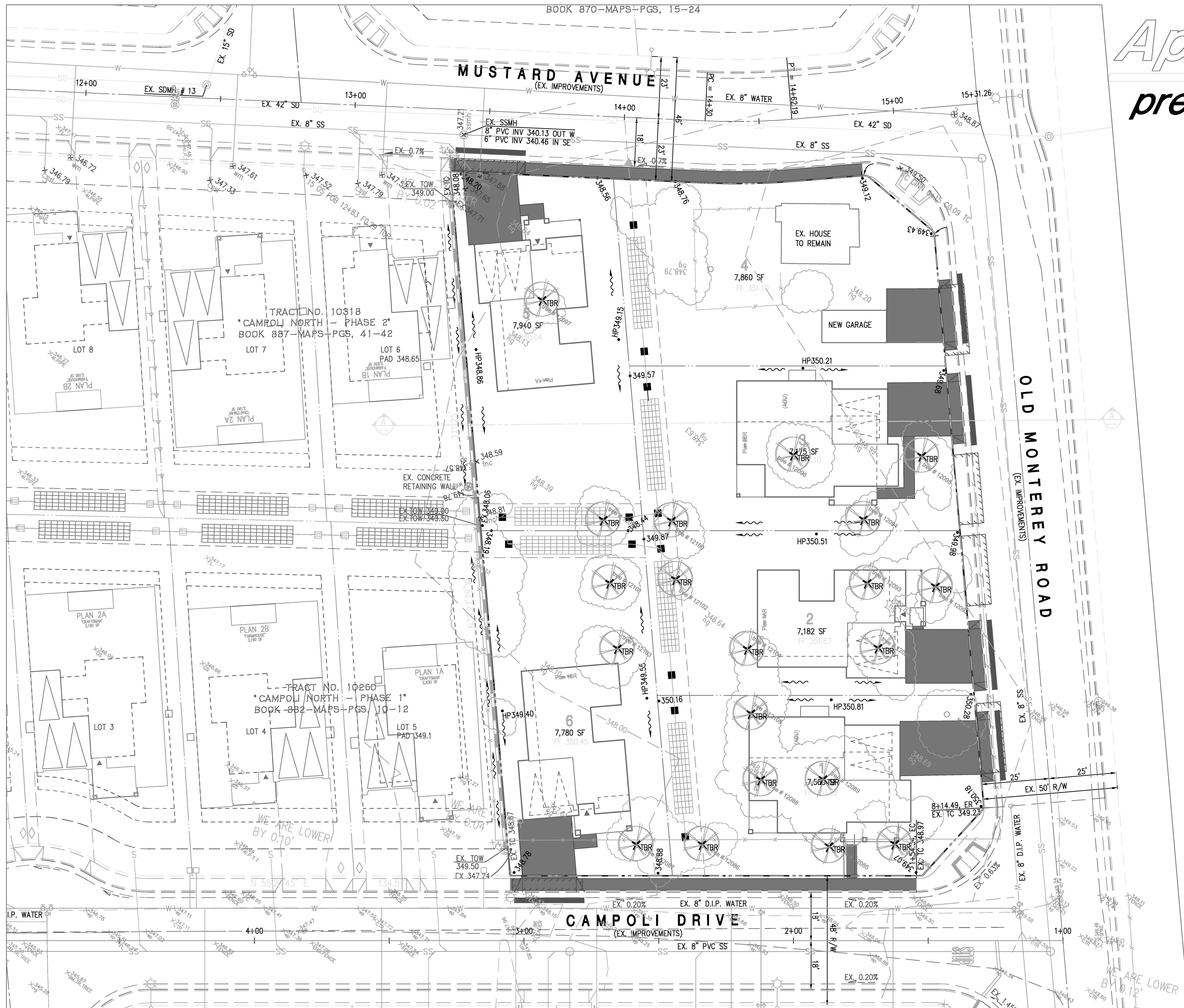
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16075 Vineyard Boulevard
Morgan Hill, CA 95037

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DATE: 1/19 DRAWN: RS CHECKED: WJM

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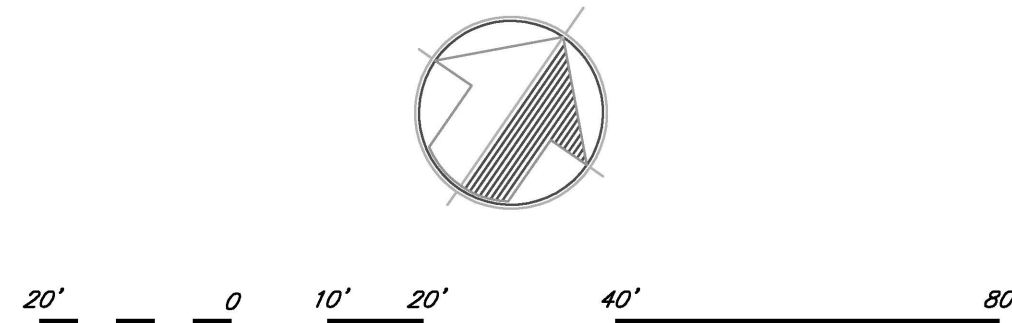


Appletree Investment

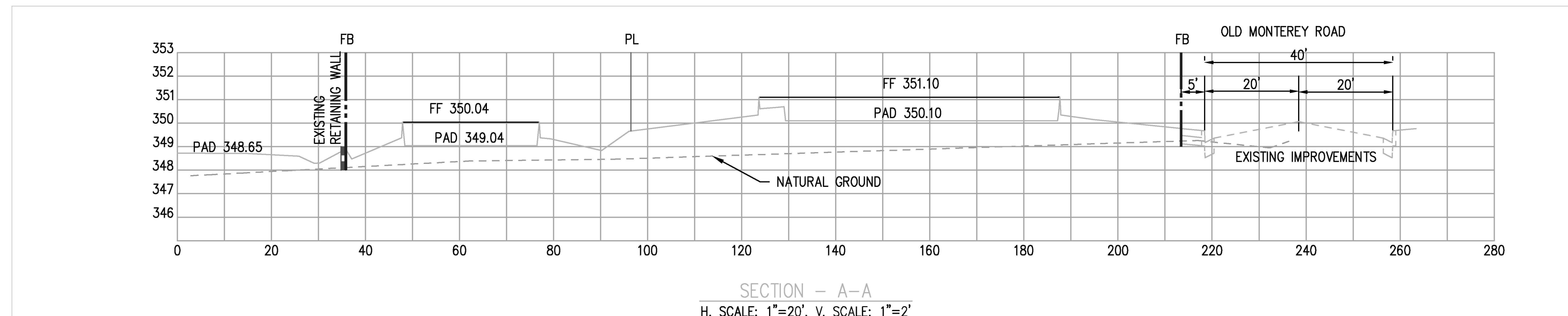
preliminary grading plan

legend

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- TREE TO BE REMOVED
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- STORM DRAIN INLET



SCALE : 1" = 20'



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DATE: 2/19 DRAWN: RS CHECKED: WJM

sheet
2
of 02
215087.2

CONCEPTUAL LANDSCAPE STATEMENT

REGIONAL AND MICRO-CLIMATE CONDITIONS, SOLAR ORIENTATION AND SOIL CONDITIONS WILL BE TAKEN INTO ACCOUNT WITH REGARDS TO PLANT SELECTION AND PLACEMENT. THE PLANT PALETTE PROVIDES MANY PLANTS WITH VARYING GROWTH HABITS, PREFERENCES AND TOLERANCES, SO SELECTION OF JUST THE RIGHT PLANT SHOULD NOT BE DIFFICULT. TURF AREA (HIGH WATER USE) IS LIMITED TO THE PARK. ALL PROPOSED SHRUBS AND GROUNDCOVER PLANTS ARE RATED AS LOW WATER USE TO PROMOTE THE DROUGHT TOLERANT DESIGN.

BY SPECIFYING PLANTS WHICH REQUIRE LITTLE TO NO PRUNING, THE GREEN WASTE WILL BE REDUCED. PLANTS SELECTED WILL COMPLEMENT THE ARCHITECTURE.

ENTRYWAYS AND PICTURE WINDOWS WILL BE FRAMED BY SPECIMEN SHRUBS AND NODES WILL HAVE ACCENT PLANTINGS. PLANT SPECIES WHICH ENHANCE THE ARCHITECTURAL ELEVATIONS SHALL BE USED. FOR EXAMPLE, NARROW UPRIGHT EVERGREEN SHRUBS ARE PROPOSED AT THE SIDES OF THE GARAGE DOOR. TALLER SHRUBS WILL ALSO BE LOCATED AT SOLID BUILDING SURFACES AND FENCES, WHILE LOWER SHRUBS WILL BE LOCATED WHERE GROUND LEVEL WINDOWS AND ARCHITECTURAL FEATURES OCCUR, AND AT CORNERS TO MAINTAIN SITE LINE DISTANCES. A DIVERSE USE OF PLANT SPECIES WILL DISPLAY VARIOUS TEXTURES, FORMS, FOLIAGE COLOR, AND FLOWERS; WILL CREATE A BEAUTIFUL LANDSCAPE TO CONTRIBUTE AESTHETICALLY TO THE SURROUNDING NEIGHBORHOODS.

A MAJORITY OF TREE'S THROUGHOUT THE PROJECT ARE PLACED TO MINIMIZE BUILDING BULK AND MASS. THE TREES HAVE BEEN SELECTED TO HAVE NON-INVASIVE ROOT SYSTEMS, AND PLACED WITH ADEQUATE SETBACKS TO ENSURE NO CONFLICT WITH UTILITIES AND HARDSCAPE, OR CONFLICT WITH ANY SITE LINE DISTANCES. ROOT BARRIERS WILL BE INSTALLED ON ALL TREES NEAR PAVING AND UTILITIES. WHERE FEASIBLE, TREES HAVE BEEN PLACED TO MITIGATE SOLID BUILDING SURFACES AND FENCES.

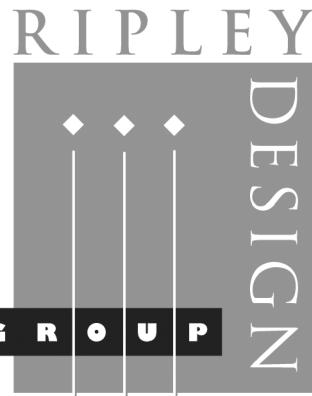
THE PROJECT FEATURES A COMMON PARK SPACE THAT ENHANCES CIRCULATION BY PROVIDING OPPORTUNITIES FOR ADULTS AND CHILDREN TO TRAVERSE THROUGHOUT THE PARK. PLAY EQUIPMENT AND SEATING PROVIDE A FAMILY FRIENDLY SPACE THAT ALLOWS ITS USERS TO ENJOY THE OUTDOORS.

THE IRRIGATION SYSTEM WILL USE WEATHER-BASED CONTROLLERS TO CONSERVE THE USE OF WATER.THE PLANTING AREAS WILL BE IRRIGATED USING DRIP IRRIGATION METHODS. THE TREES WILL BE ON SEPARATE VALVES AND WILL BE IRRIGATED WITH BUBBLERS. SHRUBS WILL BE HYDROZONED ACCORDING TO THEIR WATER REQUIREMENTS AND MICROCLIMATES.

IT IS OUR INTENT TO SPECIFY IN THE LANDSCAPE CONSTRUCTION DOCUMENTS THE USE OF RECYCLED MATERIALS SUCH AS RECYCLED WOOD MULCH, INGREDIENTS WITHIN THE CONCRETE, FORMWORK, SITE FURNITURE, ETC. IT IS OUR INTENT TO STOCKPILE THE TOPSOIL FOR RE-USE, UNLESS SOIL TESTS DEEM THE SOIL INADEQUATE AND RECOMMEND IMPORTED SOIL. WE INTEND TO RECYCLE A MINIMUM OF 50% OF THE LANDSCAPE CONSTRUCTION AND GREEN WASTES.

NOTES:

1. ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
2. TREES BE PLANTED WITHIN 8' OF HARDSCAPE ELEMENTS, SHALL HAVE A LINEAR ROOT BARRIER INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING.
3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED PER CITY STANDARDS. USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
5. ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".
6. ALL MECHANICAL EQUIPMENT WILL BE SCREENED BY EITHER FENCE OR SHRUBS THROUGH PROJECT.



LANDSCAPE ARCHITECTURE
LAND PLANNING
1615 BONANZA STREET
SUITE 314
WALNUT CREEK, CA 94596
TEL: 925.938.7377
FAX: 925.9387436

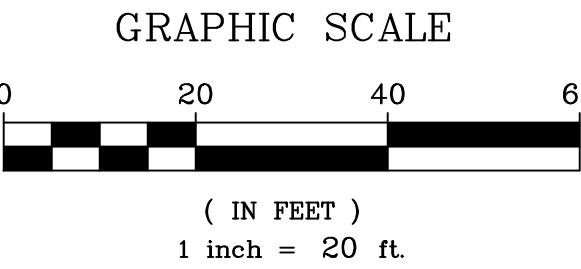
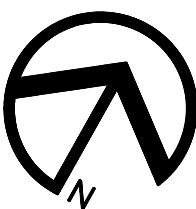
APPLE TREE INVESTMENT

Preliminary Landscape Site Plan

PRELIMINARY TREE PALETTE

BOTANICAL NAME			
TREES	COMMON NAME	SIZE	WATER USE
ACER P. 'BLOODGOOD'	JAPANESE MAPLE	15 GALLON	MED
ARBUTUS 'MARINA'	MARINA STRAWBERRY TREE	24" BOX	LOW
FRAXINUS A. 'AUTUMN PURPLE'	WHITE ASH	24" BOX	MED
LAGERSTROEMIA I. 'TUSCORORA'	GRAPE MYRTLE	15 GALLON	LOW
MAGNOLIA G. 'LITTLE GEM'	SOUTHERN MAGNOLIA	15 GALLON	MED
PISTACHIA CHINENSIS	CHINESE PISTACHE	24" BOX	LOW
PLATANUS ACERIFOLIA 'COLOMBIA'	LONDON PLANE TREE	24" BOX	LOW

NOTE:
SEE SHEET L3 FOR PRODUCTION FENCE AND TREE PLANTING/STAKING DETAILS.



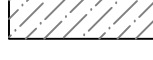
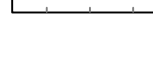
Old Monterey Road
Morgan Hill, California

NOVEMBER, 2018

L1

PROPOSED PLANT LEGEND (DROUGHT TOLERANT)

SYMBOL	BOTANICAL NAME	COMMON NAME	WATER USE
SHRUBS			
ARC 'H.M.'	ARCTOSTAPHYLOS 'HOWARD MCMINN'	MCMINN MANZANTA	LOW
BUD 'B.A.'	BOUTELOUA GRACILIS 'BLONDE AMBITION'	BLUE GAMMA GRASS	LOW
BUD 'B.K.'	BUDDLEIA D. 'BLACK KNIGHT'	BUTTERFLY BUSH	LOW
CAR TUM	CAREX TUMULICOLA	BERKELEY SEDGE	LOW
CHO TEC	CHONDROPETALUM TECTORUM	CAPE RUSH	LOW
DAP 'AUR'	DAPHNE O. 'AURODOMARGINATA'	WINTER DAPHNE	LOW
DIE BIG	DIETES BICOLOR	FORTNIGHT LILY	LOW
DIE IRI	DIETES IRIODES	FORTNIGHT LILY	LOW
ERI KAR	ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	LOW
EUD 'M.C.'	EUONYMUS J. 'GREEN SPIRES'	GREEN SPIRES EUONYMUS	LOW
EUD 'M.C.'	EUONYMUS J. 'MICROPHYLLUS'	BOXLEAF EUONYMUS	LOW
EUD 'SIE'	EUONYMUS JAPONICUS 'SIEBE'	EUONYMUS GOLDEN FLAIR	LOW
FES MAI	FESTUCA MAIREI	ATLAS FESCUE	LOW
GRE 'NOE'	GREVILLEA 'NOELLII'	WOOLY GREVILLEA	LOW
HET ARB	HETEROMELES ARBUTIFOLIA	TOYON	LOW
HYP MOS	HYPERICUM X MOSERIANUM	GOLD FLOWER	LOW
JUN PAT	JUNCUS PATENS	CAL. GREY RUSH	LOW
LAV MAR	LAVATERA MARITIMA	TREE MALLOW	LOW
LIM PER	LIMONUM PEREZII	SEA LAVANDER	LOW
LOR 'E.S.'	LOROPETALUM 'EMERALD SNOW'	CHINESE FRINGE FLOWER	LOW
LOR 'RAZ'	LOROPETALUM C. 'RAZZELBERRI'	CHINESE FRINGE FLOWER	LOW
MUH RIG	MUHLENBERGIA RIGENS	DEER GRASS	LOW
MYR CAL	MYRICA CALIFORNICA	PACIFIC WAX MYRTLE	LOW
MYR COM	MYRTUS C. 'COMPACTA'	DWARF MYRTLE	LOW
NAN 'H.D.'	NANDINA D. 'HARBOR DWARF'	HEAVENLY BAMBOO	LOW
NAN 'G.S.'	NANDINA D. 'GULF STREAM'	G.S. HEAVENLY BAMBOO	LOW
OLE 'L.O.'	OLEA E. 'LITTLE OLIVE'	DWARF OLIVE	LOW
RHA 'BAL'	RHAPHOLEPIS I. 'BALLERINA'	INDIA HAWTHORN	LOW
RIB SAN	RIBES SANGUINEUM	PINK FLOWERING CURRANT	LOW
ROS 'T.B.'	ROSMARINUS O. 'TUSCAN BLUE'	ROSEMARY	LOW
PEN 'M.B.'	PENTSTEMON MARGARITA BOB'	FOOTHILLS PENTSTEMON	LOW
PHO 'B.A.'	PHORMIUM T. 'BLACK ADDER'	NEW ZEALAND FLAX	LOW
PHO 'D.D.'	PHORMIUM T. 'DARK DELIGHT'	NEW ZEALAND FLAX	LOW
PHO 'M.M.'	PHORMIUM T. 'MAORI MAIDEN'	NEW ZEALAND FLAX	LOW
PHO 'Y.W.'	PHORMIUM T. 'YELLOW WAVE'	NEW ZEALAND FLAX	LOW
SAL LEU	SALVIA LEUCANTHA	MEXICAN SAGE	LOW
STA BYZ	STACHYS BYZANTINA	LAMB'S EARS	LOW
WES 'W.H.'	WESTRINGIA F. 'WINYABBIE HIGHLIGHT'	COAST ROSEMARY	LOW
XYL 'COM'	XYLOSMA C. 'COMPACTA'	DWARF XYLOSMA	LOW

GROUNDCOVERS			
	BACCHARIS P. 'PIGEON POINT'	COYOTE BUSH	LOW
1 GALLON @ 36" O.C.			
	MYOPERUM PARVIFOLUM	MYOPORUM	LOW
	ROSMARINUS O. 'HUNTINGTON CARPET'	ROSMARINUS	LOW
1 GALLON @ 36" O.C.			
	CAREX PANSA	CA MEADOW SEDGE	LOW
4" POT @ 12" O.C.			

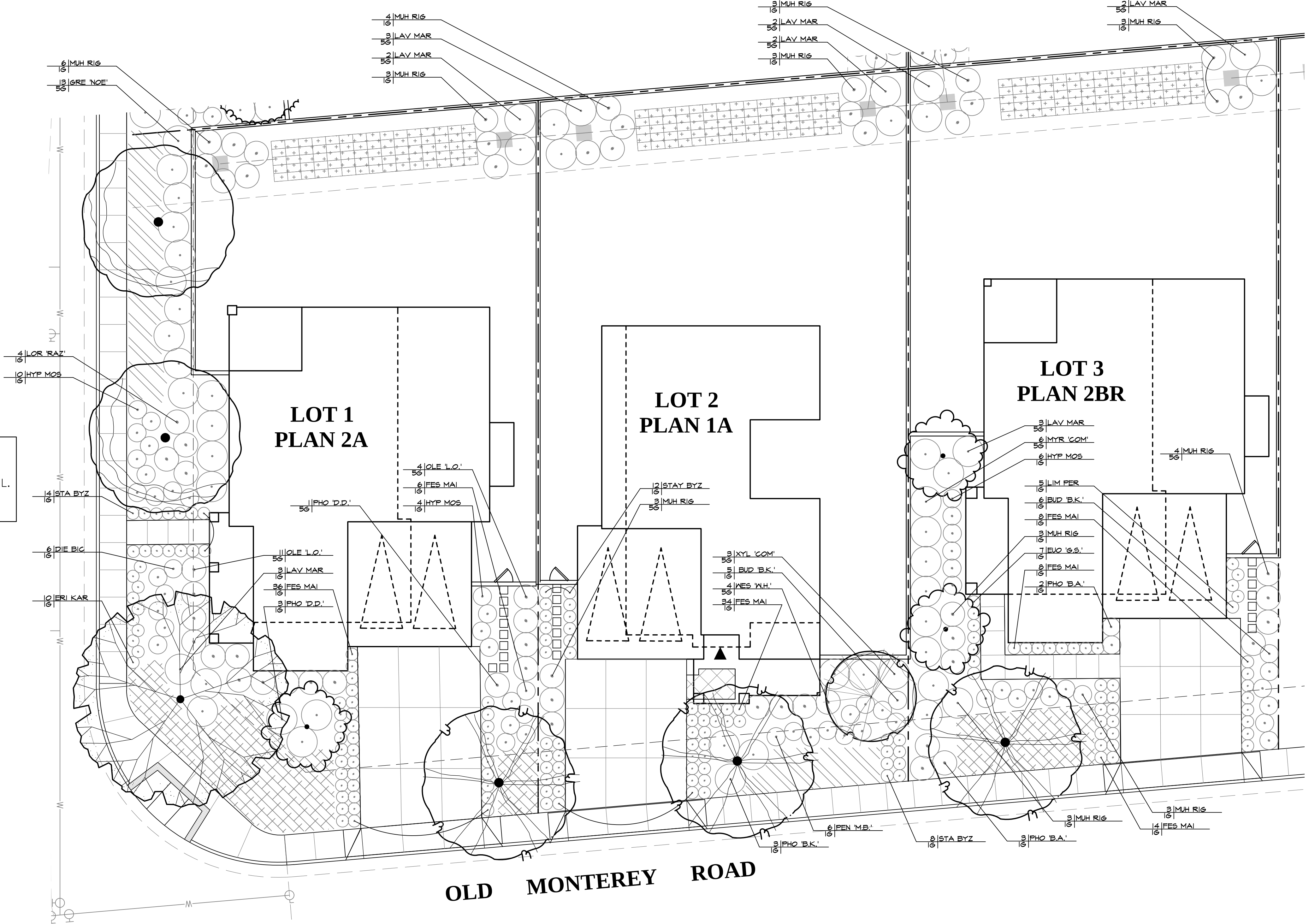
PLANT CALLOUT SYMBOL KEY

PLANT QTY	PLANT SYMBOL
SIZE	UNITS

NOTE:
SEE SHEET L3 FOR TREE PLANTING/STAKING DETAIL.

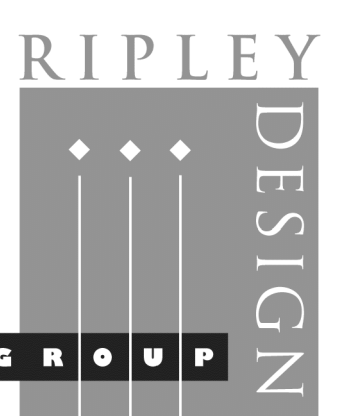
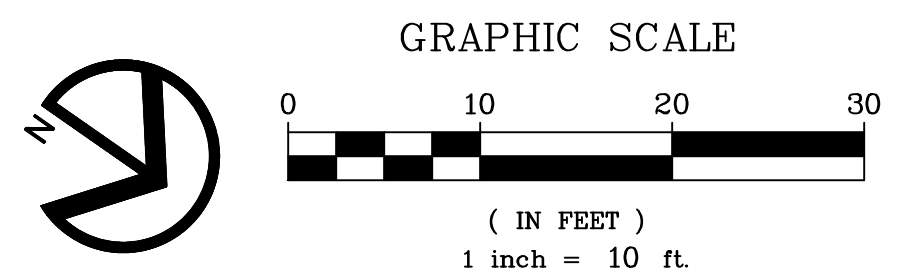
PLANTING NOTES

- THE CONTRACTOR SHALL MAINTAIN A QUALIFIED SUPERVISOR ON THE SITE AT ALL TIMES DURING CONSTRUCTION THROUGH COMPLETION OF PICK-UP WORK.
- THE CONTRACTOR SHALL FURNISH AND PAY FOR ALL FORMS OF PLANT MATERIALS AND SPECIFIED INSTALLATIONS, INCLUDING FLATTED GROUNDCOVER.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND STAKING ALL SEWER, UTILITY AND WATER MAIN LINES PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR ANY COSTS INCURRED DUE TO DAMAGE AND REPLACEMENT OF SAID UTILITIES. CALL COMMON GROUND ALLIANCE (CGA) AT 811 TO LOCATE AND MARK UTILITIES PRIOR TO EXCAVATION.
- SOIL PREPARATIONS: GROUNDCOVER AND TURF AREAS SHALL BE CROSSRIPPED OR TILLED TO A DEPTH OF NINE (9) INCHES. THE AMENDMENT SHALL BE UNIFORMLY BROADCAST PER 1,000 S.F. AND THOROUGHLY INCORPORATED TO A DEPTH OF 9" BY MEANS OF ROTOTILLER OR EQUAL. THE FOLLOWING FORMULA SHALL BE USED FOR BIDDING PURPOSES ONLY:
6 CU.YDS. NITROGEN STABILIZED, 0-1/4" RAW FIR BARK
35 LBS. 6-20-20 COMMERCIAL FERTILIZER
50 LBS. IRON SULFATE (20% Fe)
- BACKFILL FOR TREES AND SHRUBS: THE PLANTING PITS FOR TREES AND SHRUBS SHALL BE EXCAVATED TO TWICE THE DIAMETER AND TO THE DEPTH OF THE ROOTBALL. ON SITE SOIL SHALL BE USED FOR BACKFILL PURPOSES. THE FOLLOWING MIX SHALL BE USED FOR BIDDING PURPOSES ONLY:
6 PARTS BY VOLUME ON SITE SOIL
4 PARTS BY VOLUME ORGANIC AMENDMENT PER ABOVE
2LB./CU.YD. OF MIX 6-20-20
2LB./CU.YD. OF MIX IRON SULFATE PER CU.YD. OF MIX
- ALL 5 GALLON SHRUBS SHALL RECEIVE TWO (2) 21 GRAM AGRIFORM PLANTING TABLETS, ALL 15 GALLON TREES SHALL RECEIVE FOUR (4) 21 GRAM AGRIFORM PLANTING TABLETS AND ALL BOX TREES SHALL RECEIVE EIGHT (8) 21 GRAM AGRIFORM TABLETS.
- ALL SHRUB AND GROUNDCOVER PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3". MULCH TO BE RECYCLED WOOD WASTE, COLOR TO BE BLACK, 1/4" TO 1" DIAMETER FROM WASTE MANAGEMENT, INC., SACRAMENTO, (916-452-0142).
- CONTRACTOR SHALL SPRAY ALL EXISTING WEEDS IN PLANTING AREAS PRIOR TO RIPPING AND APPLY PRE-EMERGENT TO ALL SHRUB AREAS AFTER PLANTING.
- CONTRACTORS SHALL APPLY FERTILIZER AND PRE-EMERGENT AT END OF MAINTENANCE PERIOD.
- LANDSCAPE ARCHITECT AND/ OR OWNER RESERVES THE RIGHT TO SELECT OR REJECT ANY OR ALL PLANT MATERIAL.
- ALL TURF EDGES TO RECEVE 4" SHOVEL CUT.
- REFER TO TREE PLANTING/STAKING DETAIL, SHEET L3.
- THIS PLAN COMPLIES WITH THE CRITERIA OF THE CITY'S WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIES THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.
- TURF SHALL NOT BE INSTALLED ON SLOPES GREATER THAN 25% (1:4).



PRELIMINARY TREE PALETTE

BOTANICAL NAME				BOTANICAL NAME			
TREES	COMMON NAME	SIZE	WATER USE	TREES	COMMON NAME	SIZE	WATER USE
ACER P. 'BLOODGOOD'	JAPANESE MAPLE	15 GALLON	MED	MAGNOLIA G. 'LITTLE GEM'	SOUTHERN MAGNOLIA	15 GALLON	MED
ARBUSUS 'MARINA'	MARINA STRAWBERRY TREE	24" BOX	LOW	PISTACHIA CHINENSIS	CHINESE PISTACHE	24" BOX	LOW
FRAXINUS A. 'AUTUMN PURPLE'	WHITE ASH	24" BOX	MED	PLATANUS ACERIFOLIA 'COLOMBIA'	LONDON PLANE TREE	24" BOX	LOW
LAGERSTROEMIA I. 'TUSCORORA'	GRAPE MYRTLE	15 GALLON	LOW				



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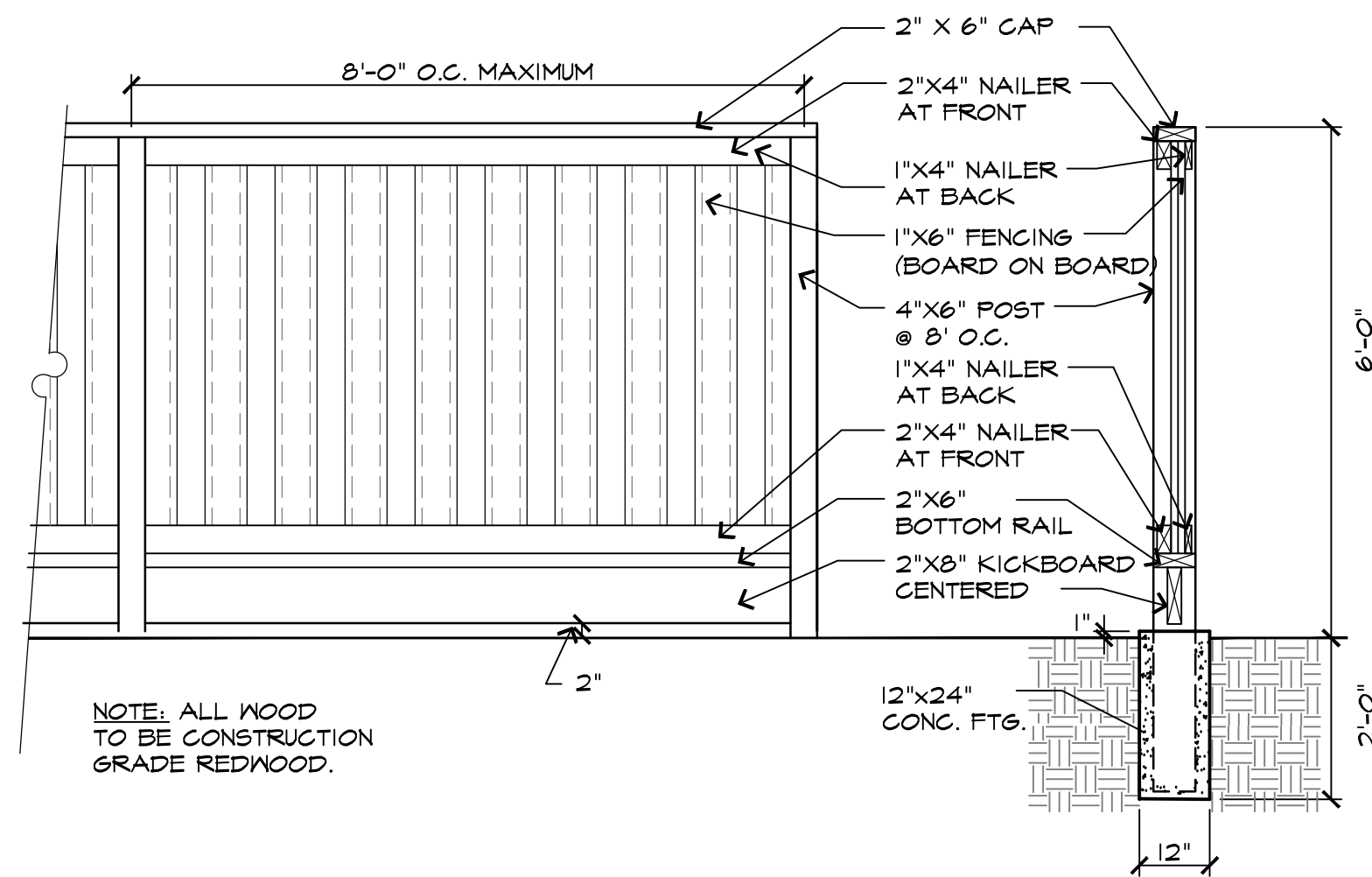
APPLE TREE INVESTMENT

Old Monterey Road
Morgan Hill, California

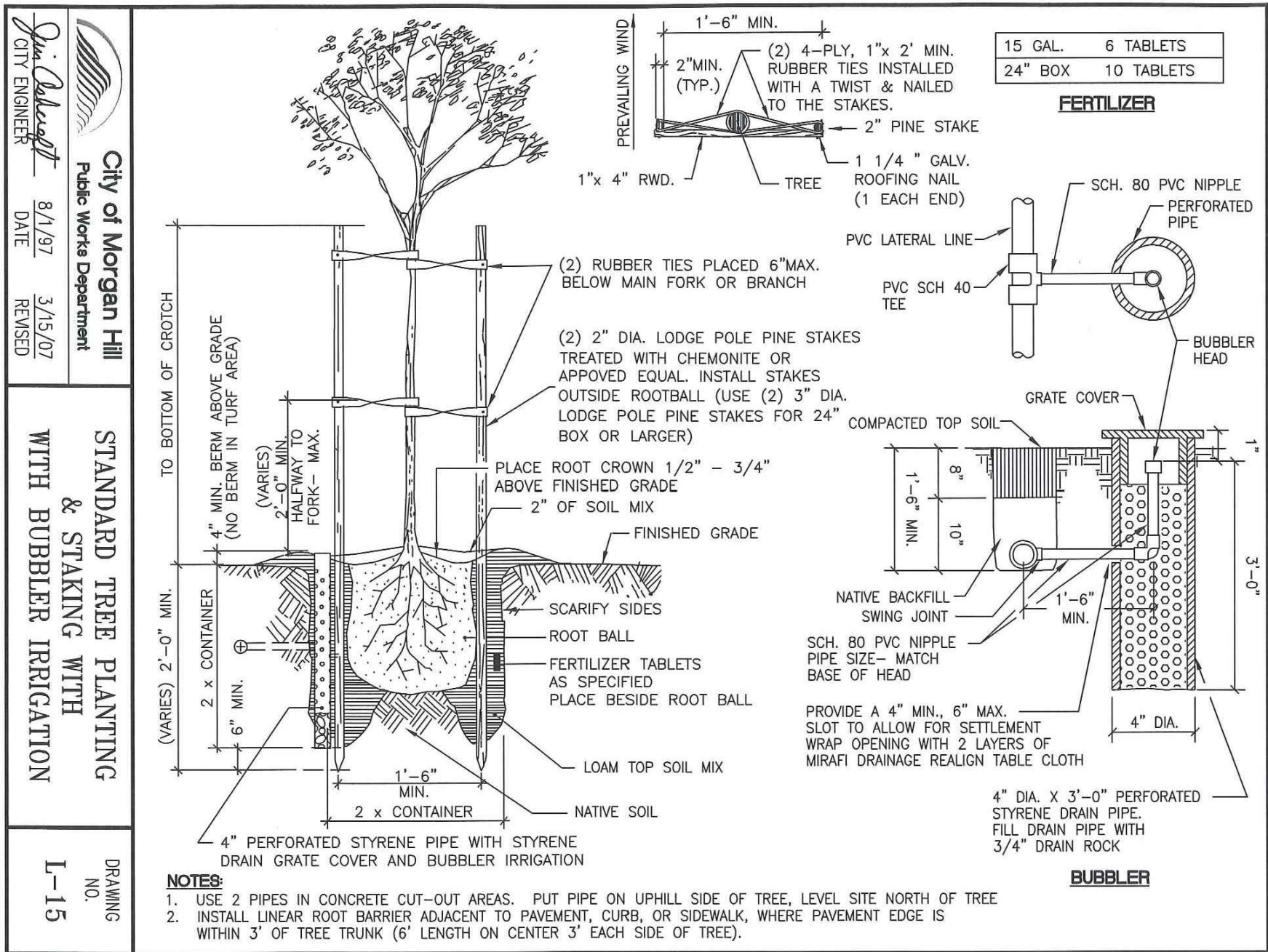
Typical Plan 1 & 2 Planting Plan

NOVEMBER, 2018

L2



A WOOD FENCE W/KICKERBOARD SCALE: 1/2" = 1'-0"
024 -FncRr



PRELIMINARY WATER CALCULATIONS

OLD MONTEREY ROAD
PAGE 1 of 2
Water Efficient Landscape Worksheet for projects in Morgan Hill, CA

This worksheet is filled out for each Point of Connection.
This form determines the specific water budget
This form demonstrates that the Estimated Total Water Use is less than the Maximum Applied Water Allowance.

MAWA=(Eto)(0.62)/[(0.55xLA)+(0.45xSLA)]
ETWU=(Eto)(0.62)/[(PFxHA/IE)+SLA]

Where:
MAWA = Maximum Applied Water Allowance (gallons per year)
Eto = Reference Evapotranspiration (inches per year)
0.62 = Conversion Factor (to gallons)
0.55 = ET Adjustment Factor (ETAF)
LA = Landscape Area including SLA (square feet)
0.45 = Additional Water Allowance for SLA
SLA = Special Landscape Area (square feet)
ETWU = Estimated Total Water Use (gallons per year)
PF = Plant Factor from WUCOLS
HA = Hydrozone Area [high, medium and low water use areas] (square feet)
IE = Irrigation Efficiency (minimum 0.71)

Net Evapotranspiration (inches per year)

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total Annual Eto
Net Eto	1.5	1.8	3.4	4.2	6.3	7.0	7.1	6.0	5.1	3.7	1.9	1.4	49.4

Maximum Applied Water Allowance Calculation
MAWA=(Eto)(0.62)/[(0.7xLA)+(0.3xSLA)]

Total Landscaped Area				
9,468	x	0.55	=	5,207

Special Landscaped Area				
0	x	0.45	=	0

MAWA = 49.4 x 0.62 x 5,207 = 159,492 gallons per year

PAGE 2 of 2
Water Efficient Landscape Worksheet

Estimated Total Water Use Calculation
ETWU=(Eto)(0.62)/[(PFxHA/IE)+SLA]

HYDROZONE INFORMATION TABLE

Hydrozone	Plant Water Use Type (low, medium or high)	Plant Factor(PF) (0-1.0, see below)	Hydrozone Area(HA) (sq ft)	% of Total Area	Type of Irrigation (rotors, spray, drip, bubblers, etc.)	Irrigation Efficiency (IE) (71-100%, see below)	PFxHA/IE
Non-Turf Plant Area	LOW	0.30	9,370	99%	DRIP	81%	3,470
Trees	MEDIUM	0.60	98	1%	BUBBLERS	81%	73
		SUM	9,468	100%			3,543

ETWU = 49.4 x 0.62 x 3,543 = 108,514 gallons per year

Estimated Total Adjustment Factor Calculations

Total ETAF(PF/IE) x Area	
Total Area	9468

Average ETAF* 0.37

*Average ETAF must be less than 0.55 for residential
*Average ETAF must be less than 0.45 for non-residential

Plant Factor Typical Ranges (PF)

To calculate plant factor see "Guide to Estimating Irrigation Water Needs of Landscape Plantings in California and WUCOLS"
www.oowat.water.ca.gov/docs/wucols00.pdf

Low Water Use	0.0-0.3
Medium Water Use	0.4-0.6
High Water Use	0.7-1.0

Plant Factor Formula - Plants With a Factor over 1.0 are prohibited.
Plant Factor (PF) = K_s x K_d x K_{mc}
K_s = Species Factor (range 0.1-0.9, see WUCOLS list)
K_d = Density Factor (range 0.5-1.3, see WUCOLS list)
K_{mc} = Microclimate Factor (range 0.5-1.4, see WUCOLS list)

Irrigation Efficiency Ranges (IE)

Irrigation efficiency will vary by soil type, weather conditions, design, head type, construction quality, maintenance, etc.
Please estimate irrigation efficiency somewhere in the ranges listed below.

Stream Rotor Heads	71-75%
Spray Heads	71-75%
Bubblers	75-85%
Drip Emitters	80-90%
Subsurface Irrigation	80-90%

WATER SAVINGS:

MAXIMUM APPLIED WATER ALLOWANCE:

159,492 GALLONS
(PER YEAR)

PROPOSED WATER USAGE:

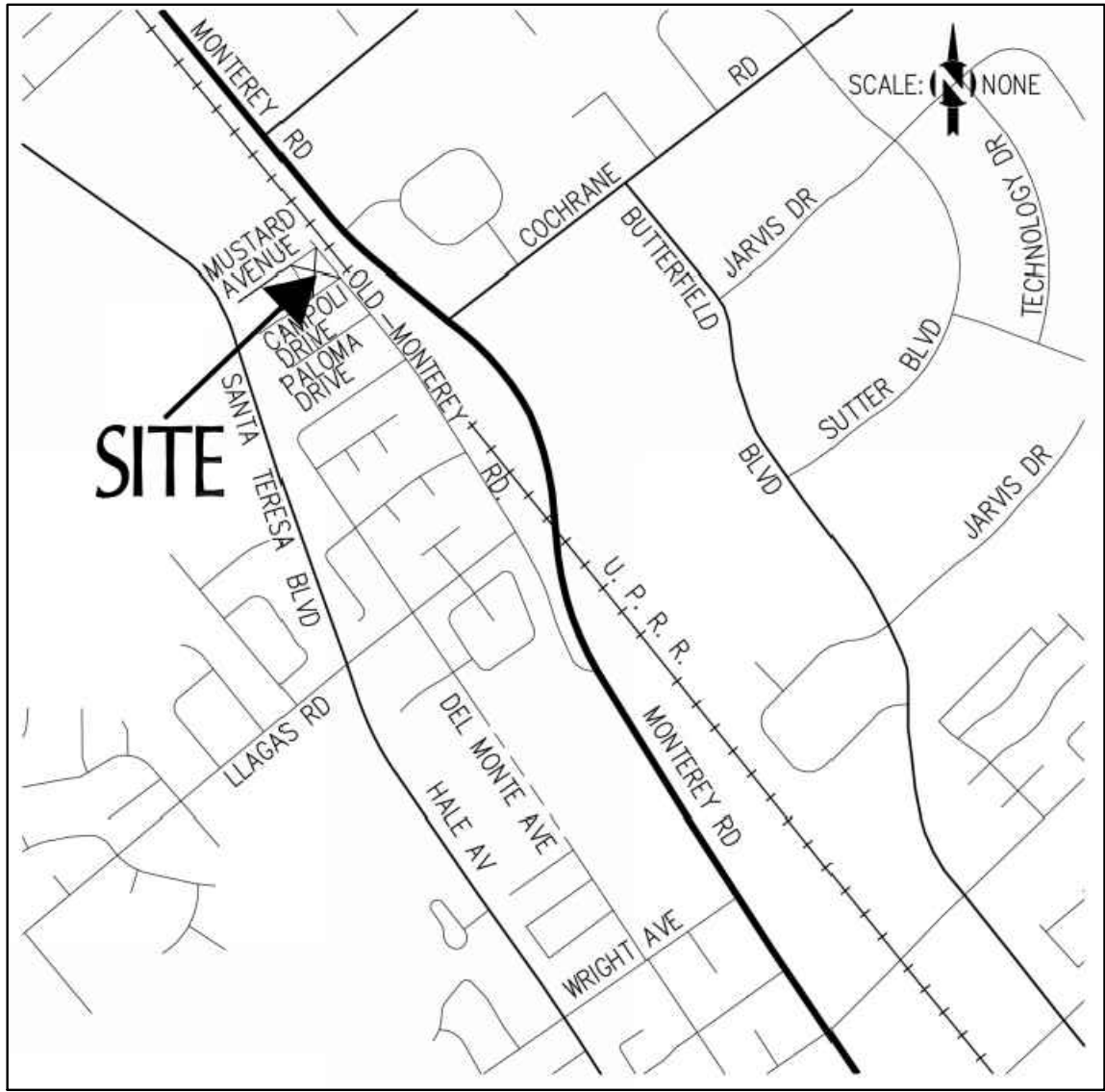
108,514 GALLONS
(PER YEAR)

WATER SAVINGS:

159,492
- 108,514
= 50,978 GALLONS PER YEAR
50,978/159,492 = 31.9%

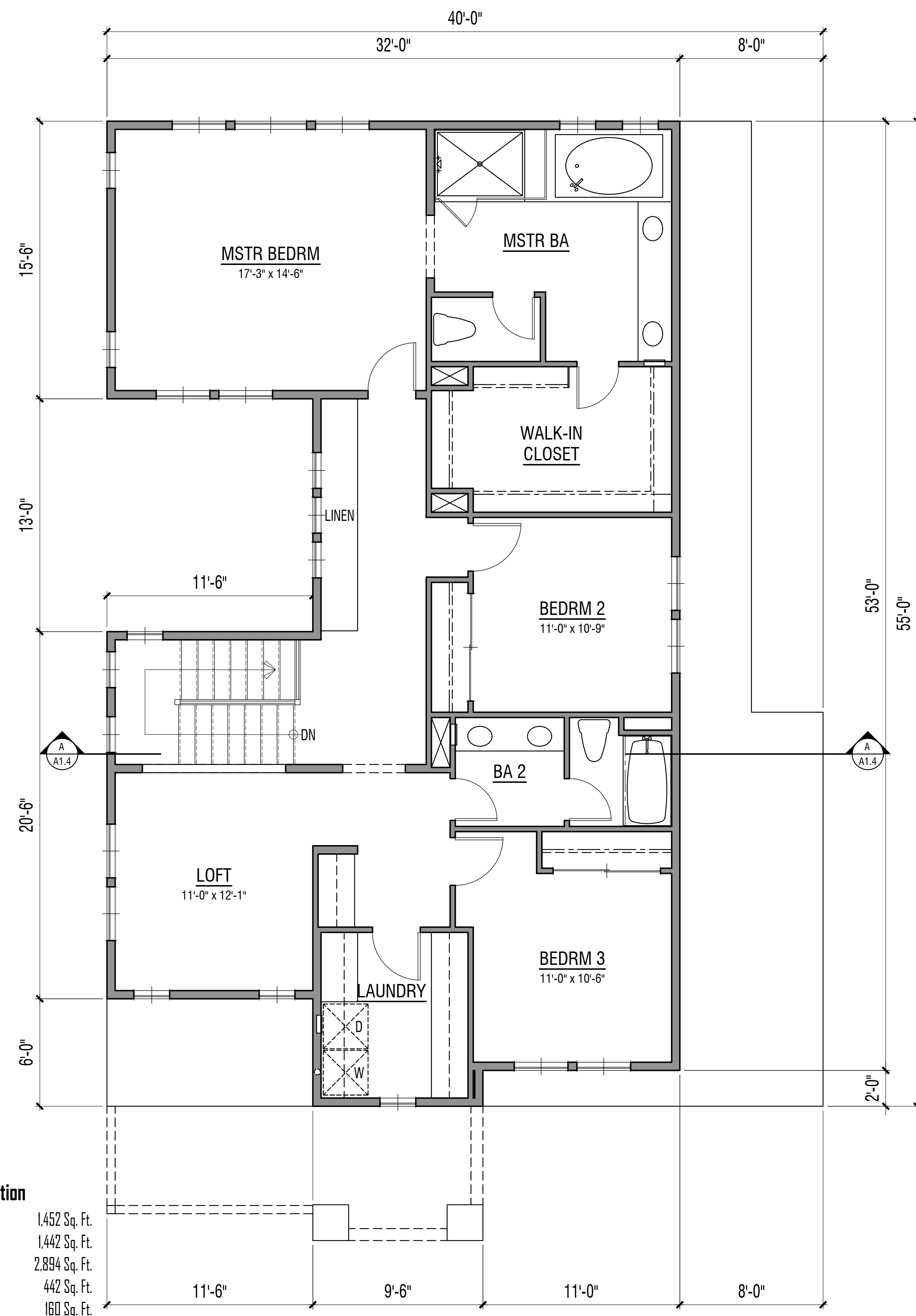
MORGAN ESTATE

VICINITY MAP



SHEET INDEX

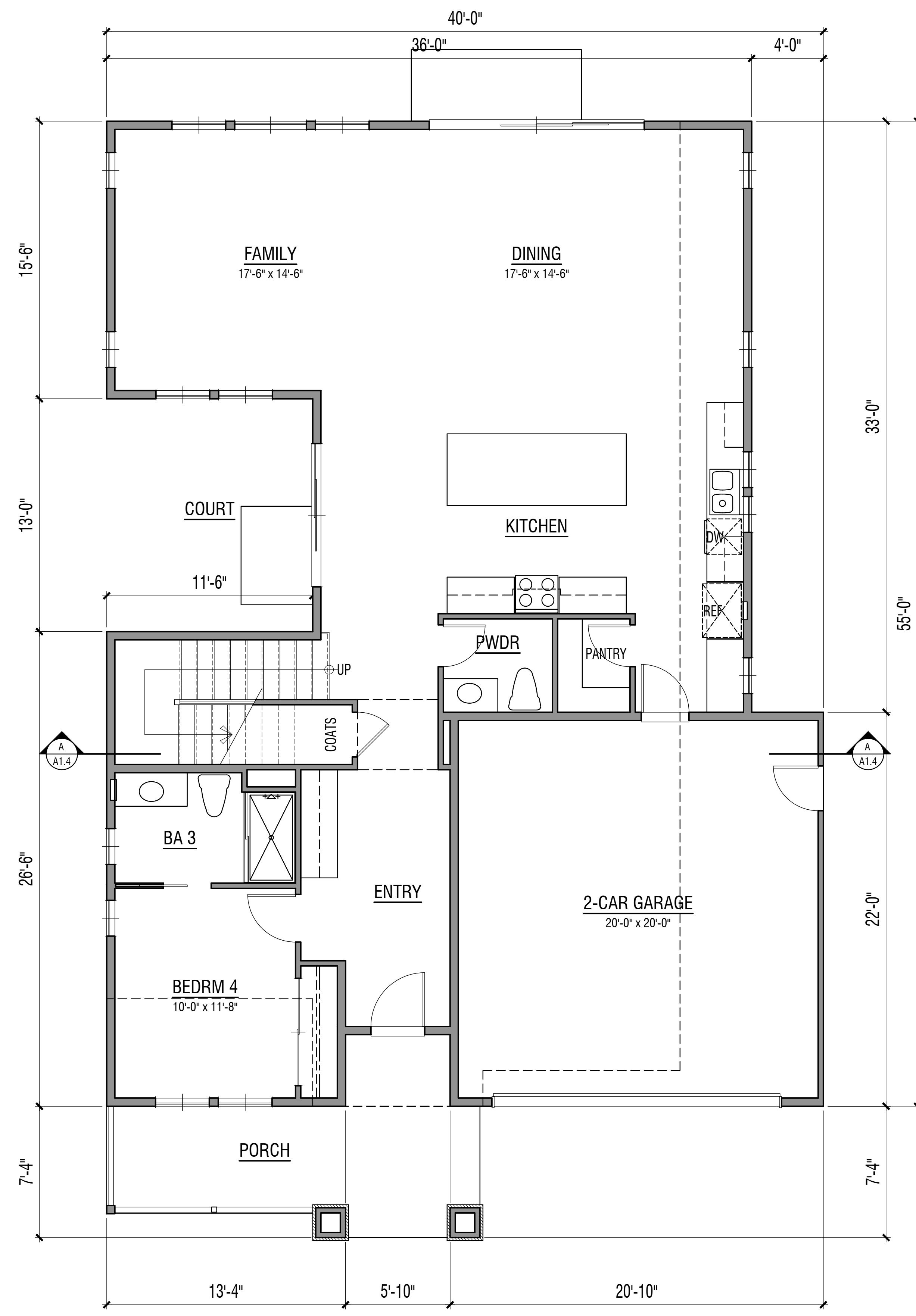
CS	SHEET INDEX / VICINITY MAP
SS	CONCEPTUAL STREET SCENE
1	SITE DEVELOPMENT PLAN / TENTATIVE MAP
2	PRELIMINARY GRADING PLAN
A1.1	PLAN ONE FIRST & SECOND FLOOR PLANS
A1.2	PLAN ONE EXTERIOR ELEVATIONS A
A1.3	PLAN ONE EXTERIOR ELEVATIONS B
A1.4	PLAN ONE BUILDING SECTION / ROOF PLANS
A2.1	PLAN TWO FIRST & SECOND FLOOR PLANS
A2.2	PLAN TWO EXTERIOR ELEVATIONS A
A2.3	PLAN TWO EXTERIOR ELEVATIONS B
A2.4	PLAN TWO BUILDING SECTION / ROOF PLANS
L-1	PRELIMINARY LANDSCAPE SITE PLAN
L-2	TYPICAL PLAN 1 & 2 PLANTING PLAN
L-3	PRELIMINARY LANDSCAPE DETAILS & DATA



Square Footage Tabulation

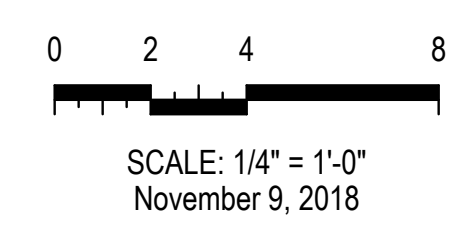
First Floor:	1,452 Sq. Ft.
Second Floor:	1,442 Sq. Ft.
Total Living Area:	2,894 Sq. Ft.
Garage Area:	442 Sq. Ft.
Front Porch Area:	160 Sq. Ft.
Coverage:	1,895 Sq. Ft.
(first floor + garage area)	

Second Floor



First Floor

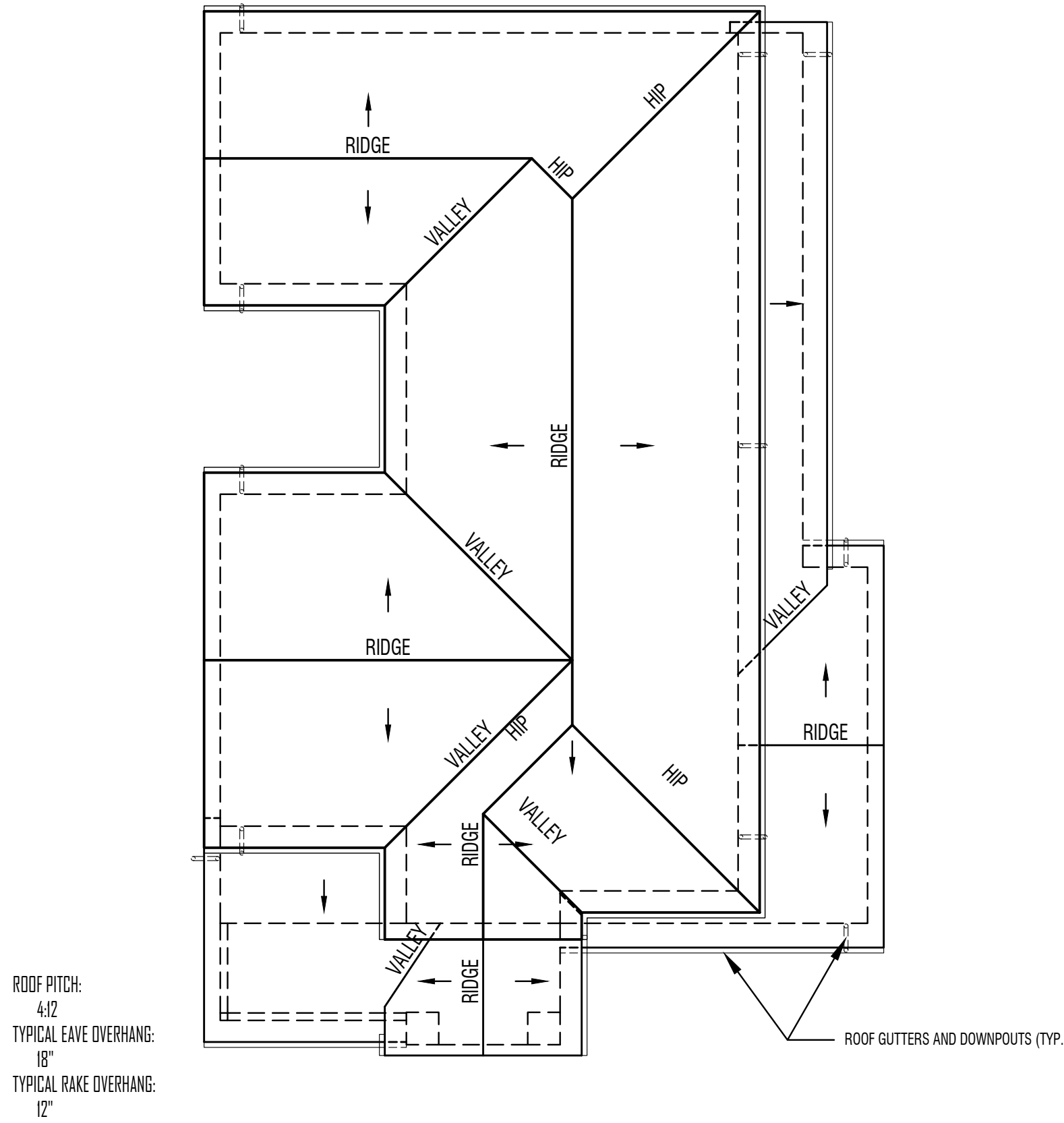
Conceptual Floor Plan 1
Floor Plan Represents Elevation A



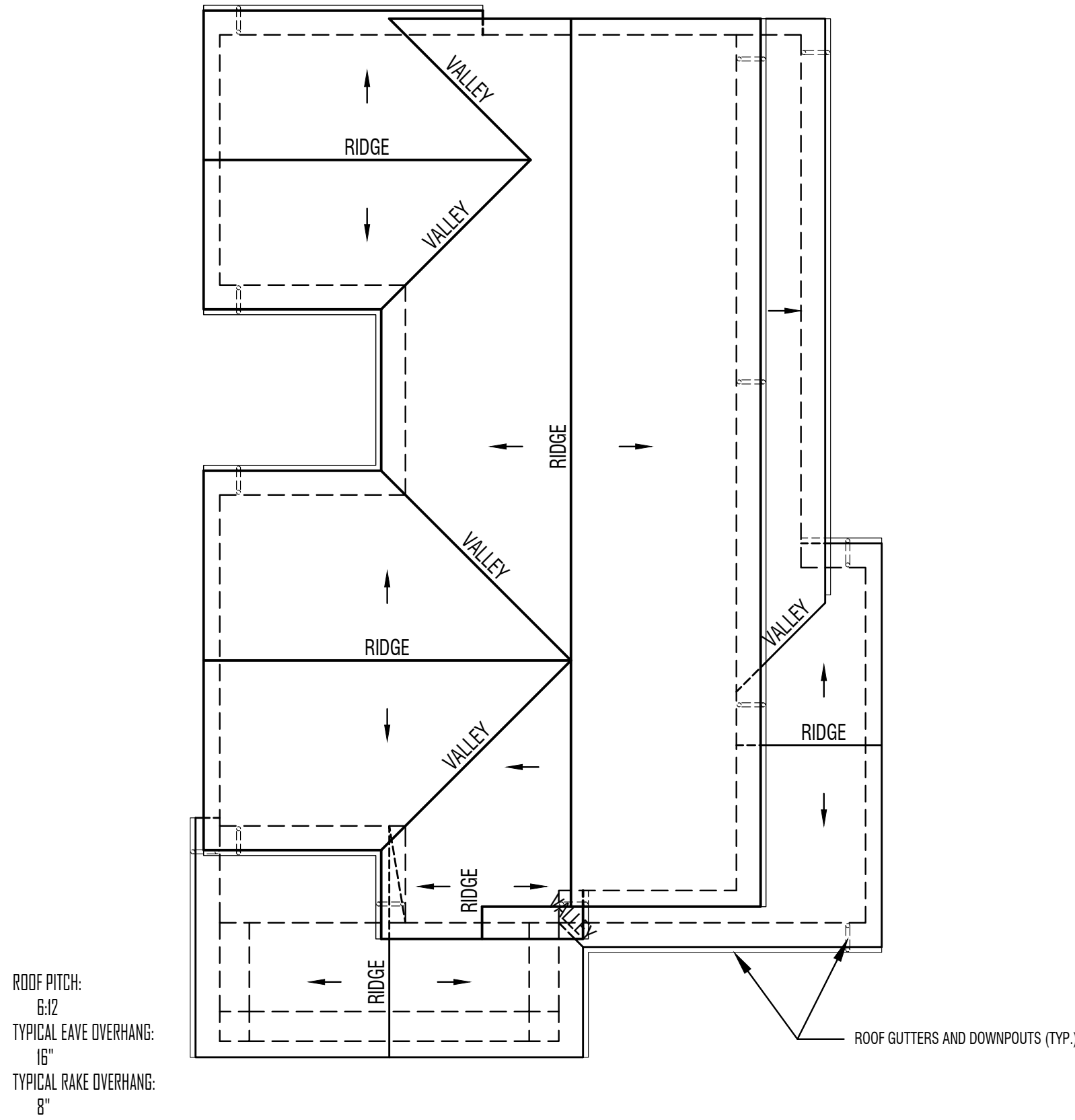
Morgan Estate
18755 Old Monterey Road
Morgan Hill, California
Appletree Investments

edward c. novak
ARCHITECT LEED AP
153 GILLETTE PLACE #108 LIVERMORE, CA 94550
phone: 714.323.8396 email: ed@ecnaarchitecture.com

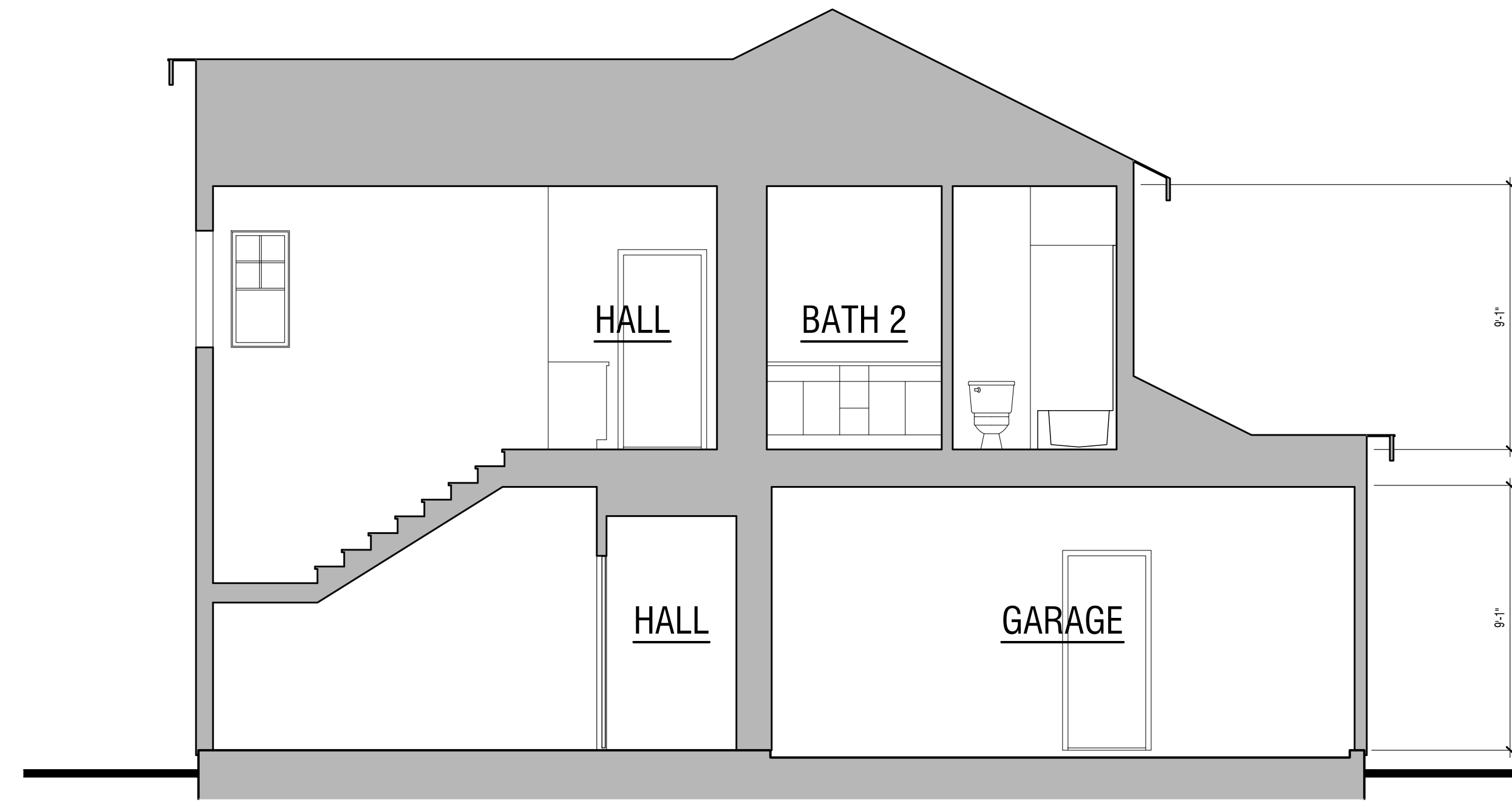
A1.1



Roof Plan - 1A
SCALE: 1/8" = 1'-0"

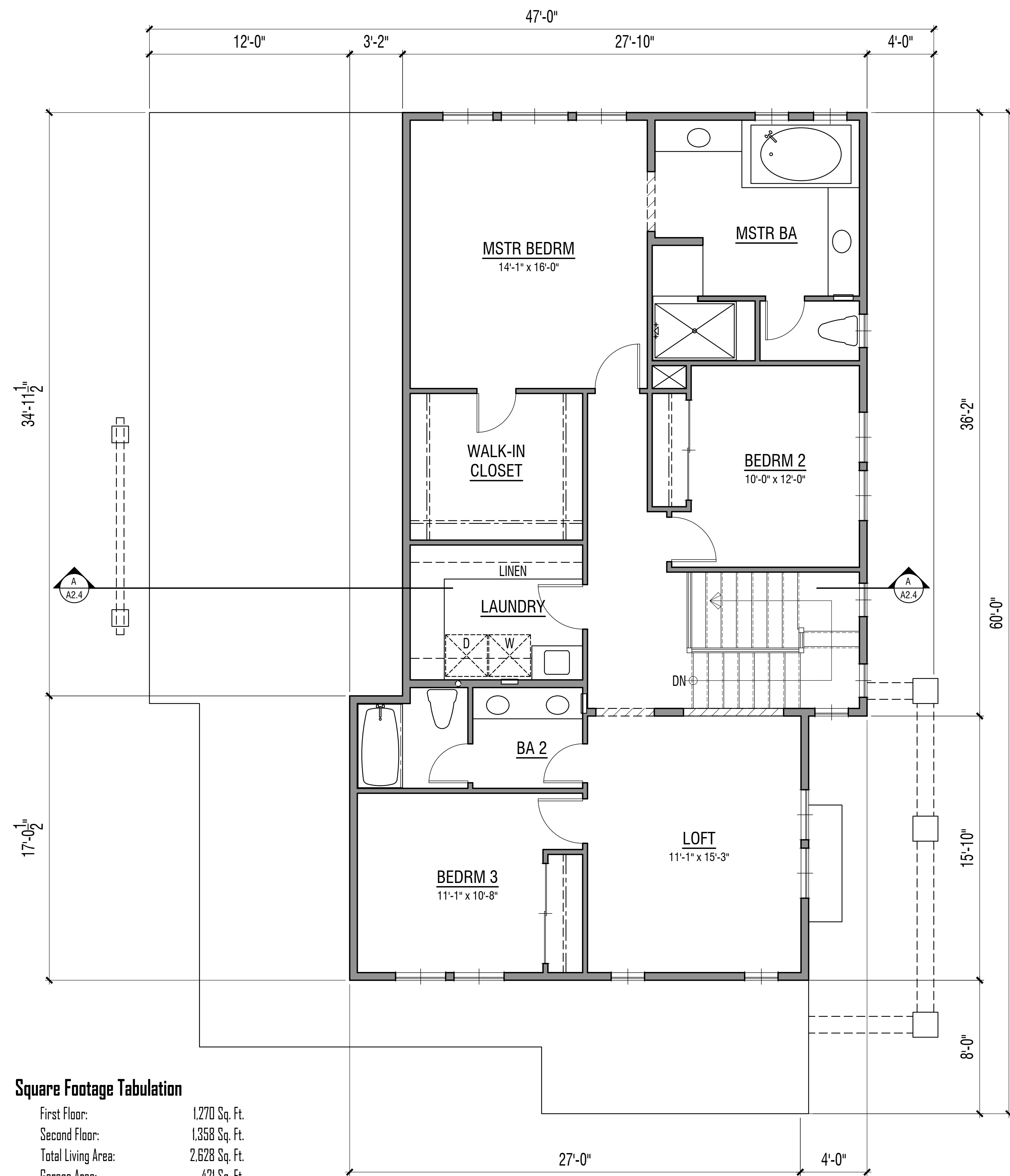


Roof Plan - 1B
SCALE: 1/8" = 1'-0"



Building Section A-A

Conceptual Building Section and Roof Plans

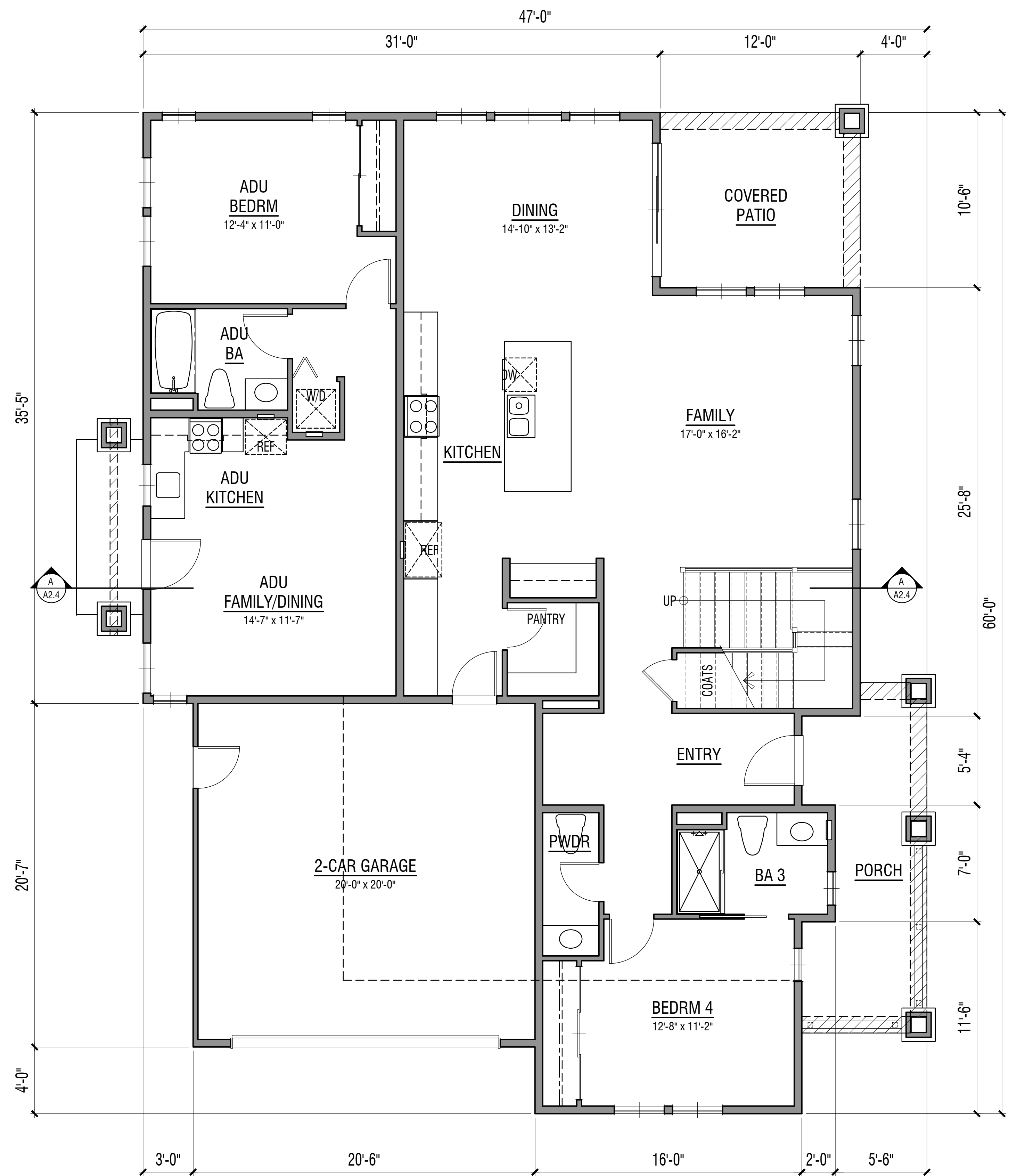


Square Footage Tabulation

First Floor:	1,270 Sq. Ft.
Second Floor:	1,358 Sq. Ft.
Total Living Area:	2,628 Sq. Ft.
Garage Area:	421 Sq. Ft.
Covered Patio:	126 Sq. Ft.
Front Porch Area:	138 Sq. Ft.
Accessory Dwelling Unit (ADU)	537 Sq. Ft.

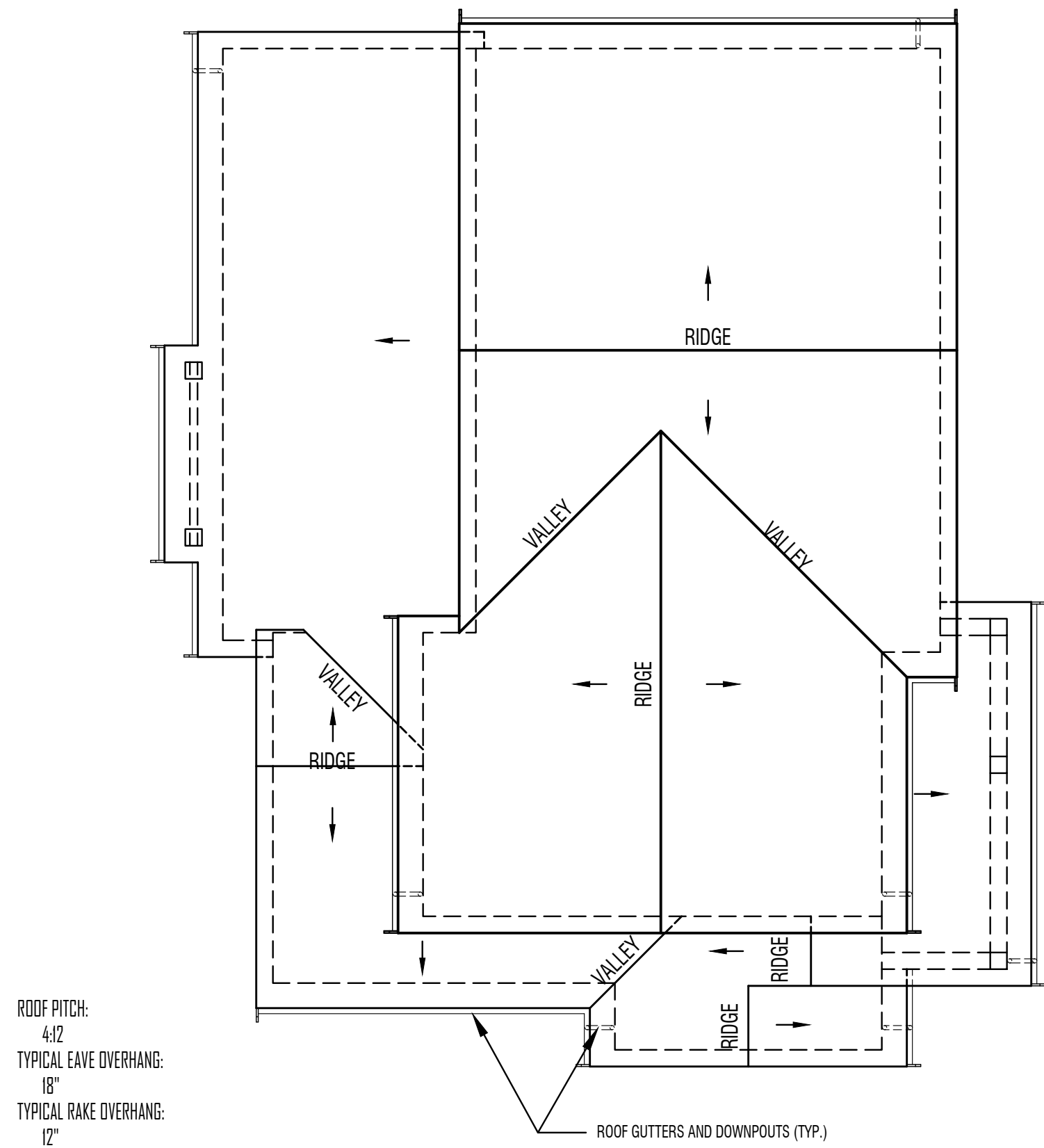
Coverage: 2,354 Sq. Ft.
(first floor + adu + garage + covered patio area)

Second Floor

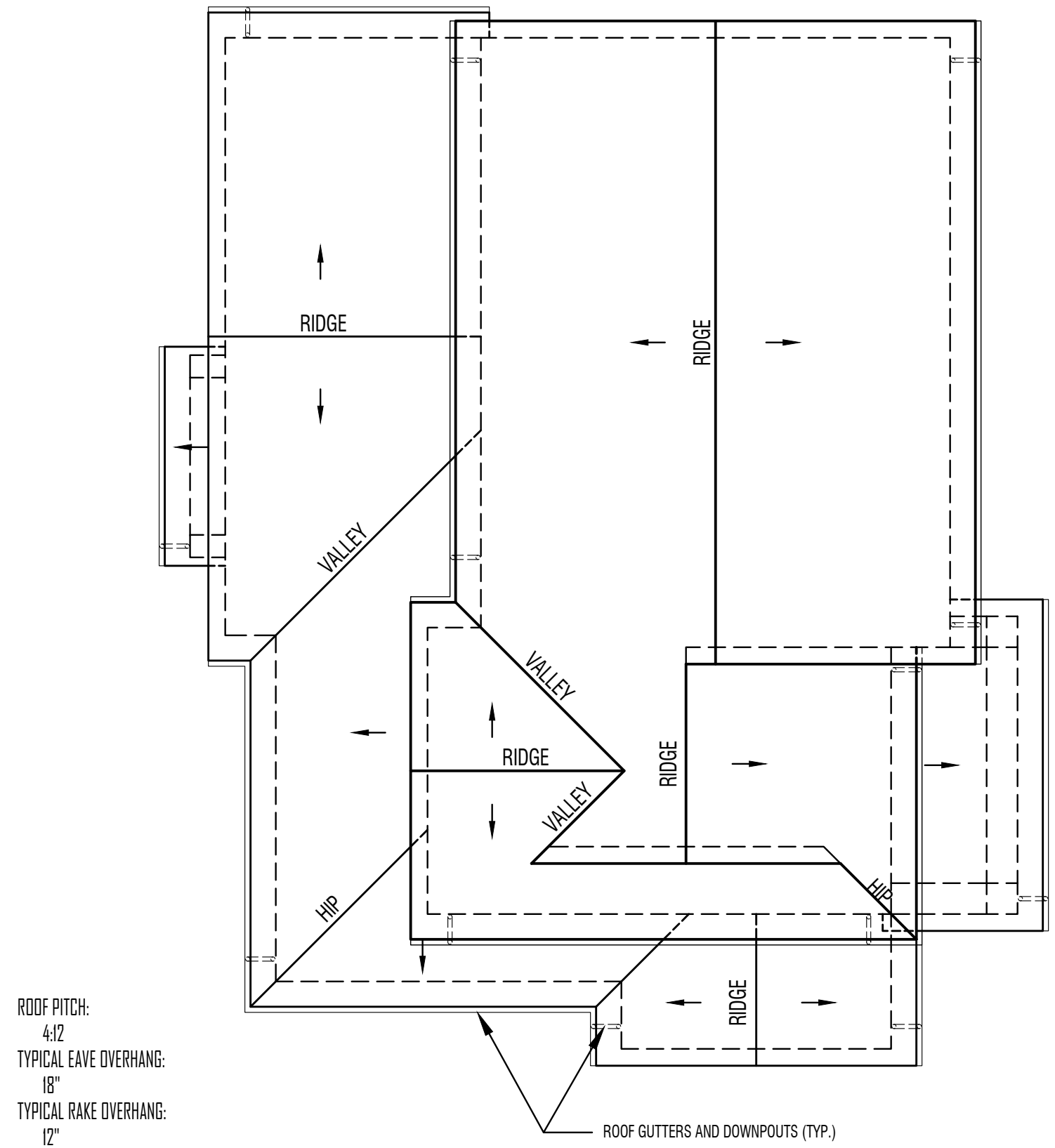


First Floor

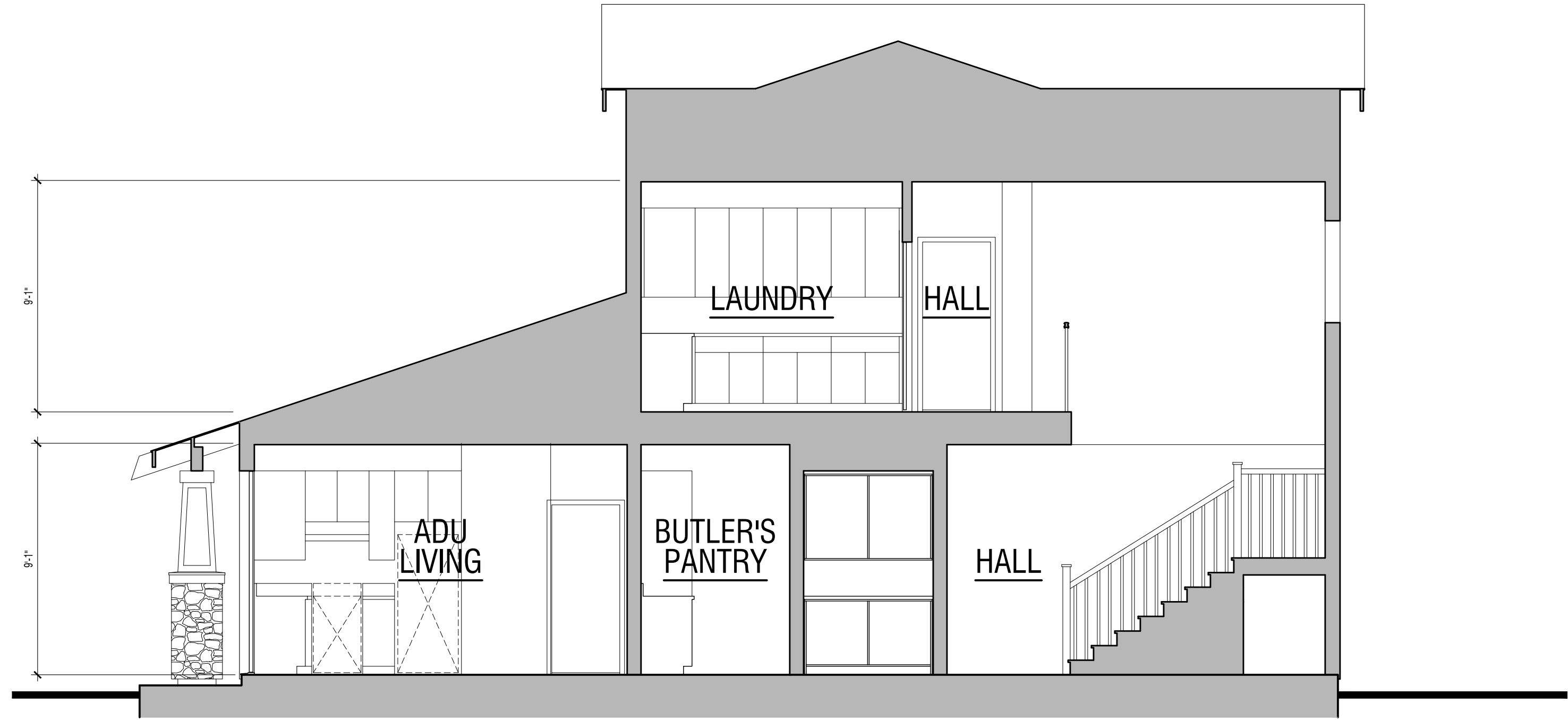
Conceptual Floor Plan 2
Floor Plan Represents Elevation A



Roof Plan - 2A
SCALE: 1/8" = 1'-0"



Roof Plan - 2B
SCALE: 1/8" = 1'-0"

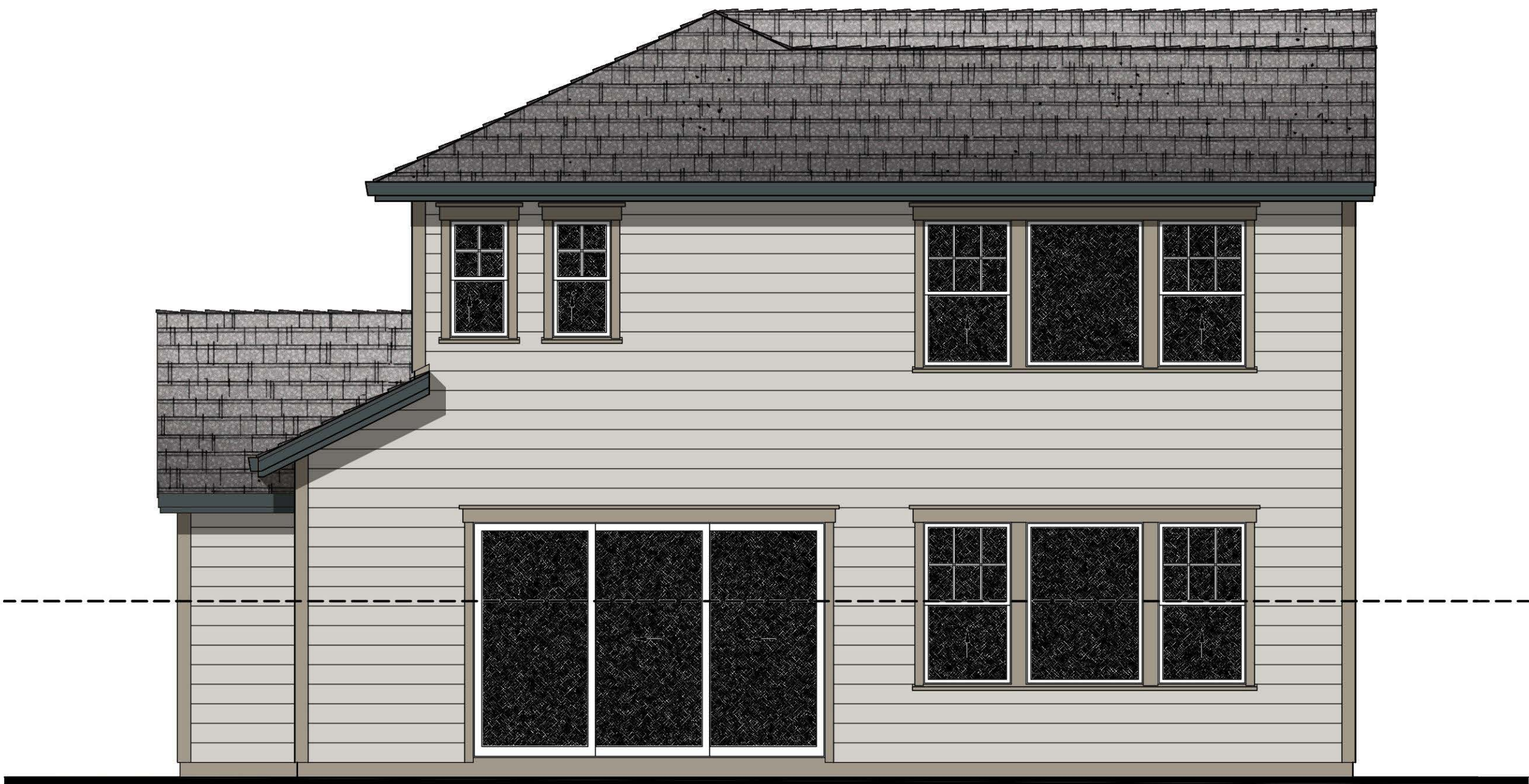


Building Section A-A

Conceptual Building Section and Roof Plans



Right Side Elevation



Rear Elevation



Left Side Elevation



Front Elevation

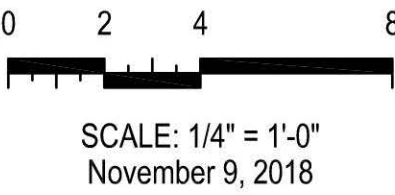
Exterior Materials

Roof:	High Profile Composition Shingle	Windows:	Vinyl Frame w/ Dual Pane Glass
Fascia:	Gutter o/ 2x8 Eave Board	Doors:	Insulated Fiberglass Panel
Barge:	1x4 o/ 2x8 Rake Board	Garage Door:	Insulated Metal Roll-up
Walls:	Hardie-Plank Cedarmill Lap Siding - 8" Exposure	Accents:	Eldorado Tundra Brick Veneer
Trim:	2x3 (Ledge) o/ 2x6 Head		Wood Railing @ Front Porch
	2x4 Jamb		
	2x Shaped Sill		

Notes:
1. Trim be a Composite (wood like) Material (size as indicated on Exterior Material Table).

Conceptual Exterior Elevations 1A
Lot 2 (Reverse Elevation) & Lot 5

Morgan Estate
18755 Old Monterey Road
Morgan Hill, California
Appletree Investments

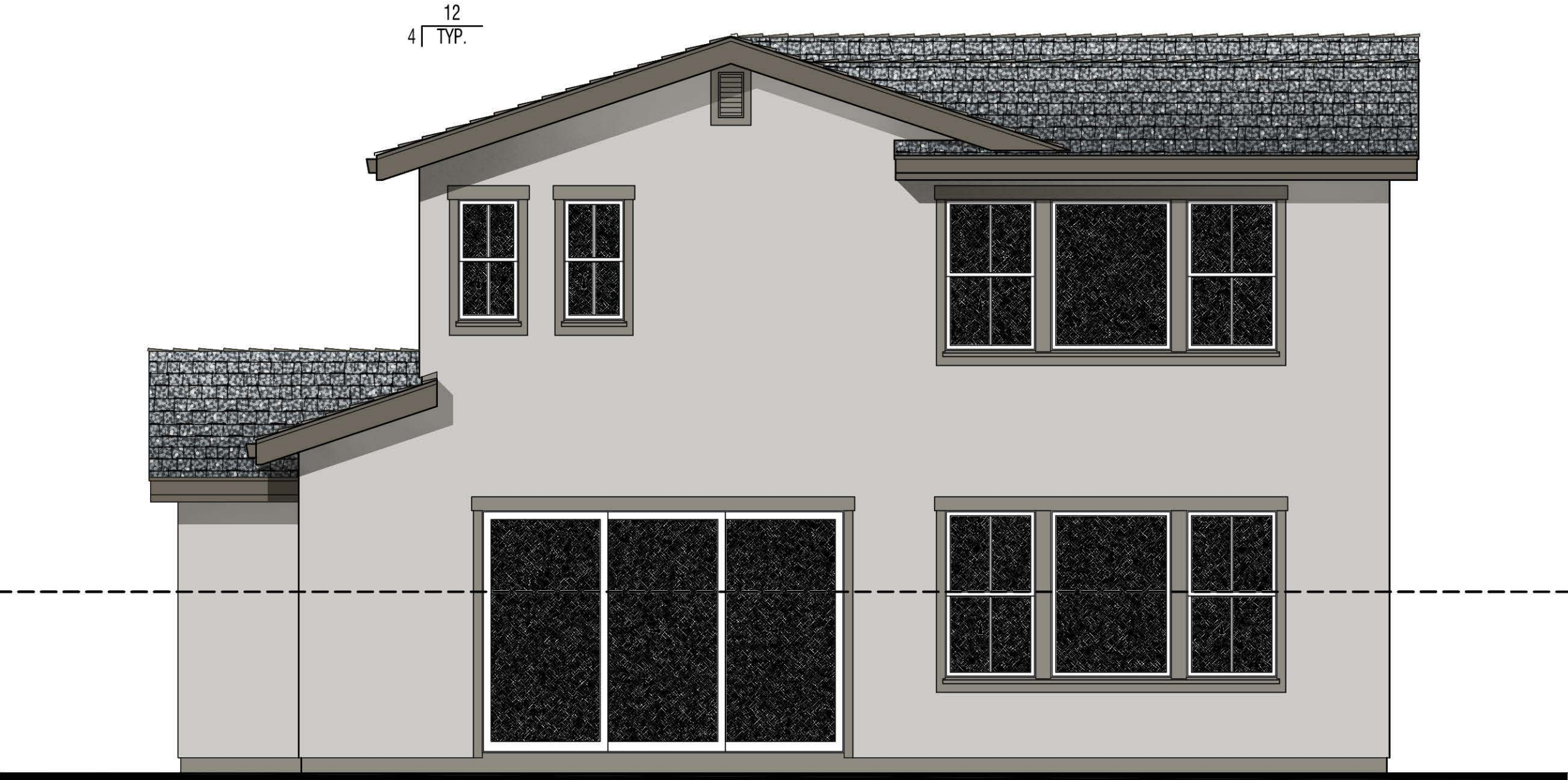


edward c. novak
ARCHITECT LEED AP
153 GILLETTE PLACE #108 LIVERMORE, CA 94550
phone: 714-323-8396 email: ed@ecnaarchitecture.com

A1.2



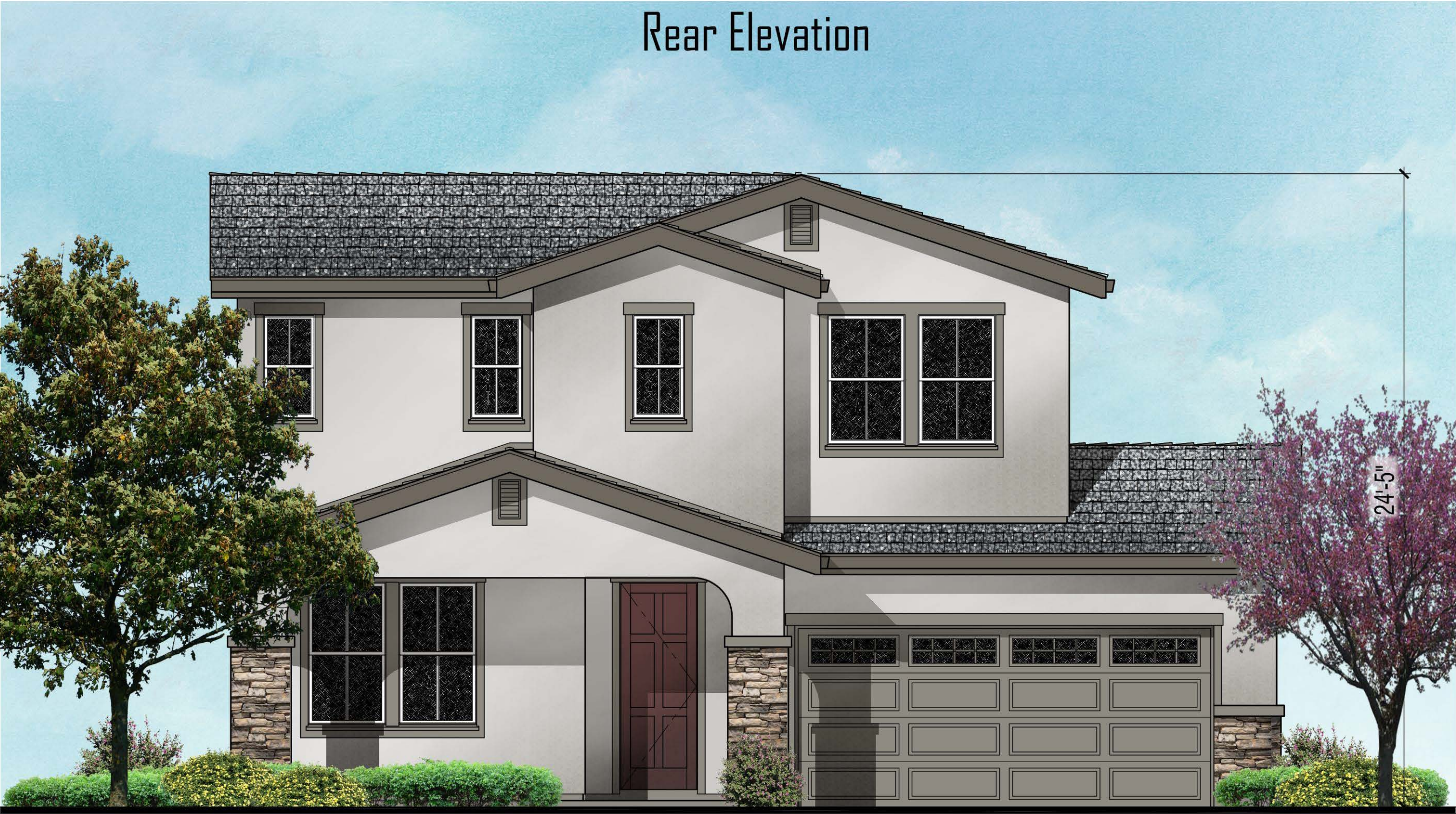
Right Side Elevation



Rear Elevation



Left Side Elevation



Front Elevation

Exterior Materials

Roof: High Profile Composition Shingle
Fascia: Gutter o/ 2x8 Eave Board
Barge: 2x8 Rake Board
Walls: 1-Coat Stucco - Heavy Sand Finish
Trim: 2x6 Head
2x4 Jamb
2x Shaped Sill o/ 2x4 Apron

Windows: Vinyl Frame w/ Dual Pane Glass
Doors: Insulated Fiberglass Panel
Garage Door: Insulated Metal Roll-up
Accents: El Dorado Rustic Ledge Veneer

Notes:
1. Trim to be Smooth Finish Stucco o/ Foam (size as indicated on Exterior Material Table).
2. Glass Shown at Garage Door is a Buyer Option.

Conceptual Exterior Elevations 1B
Lot 6 (Reverse Elevation)

Morgan Estate
18755 Old Monterey Road
Morgan Hill, California
Appletree Investments

0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2018

edward c. novak
ARCHITECT LEED AP
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phone: 714 323-8396 email: ed@ecnaarchitecture.com

A1.3



Right Side Elevation



Rear Elevation



Left Side Elevation



Front Elevation

Exterior Materials

Roof:	High Profile Composition Shingle	Windows:	Vinyl Frame w/ Dual Pane Glass
Fascia:	Gutter o/ 2x8 Eave Board	Doors:	Insulated Fiberglass Panel
Barge:	2x10 Rake Board	Garage Door:	Insulated Metal Roll-up
Walls:	Hardie-Plank Smooth Beaded Siding, 7" Exposure	Accents:	Tapered Wood Columns @ Porch
Trim:	2x6 Head		Eldorado River Rook Veneer w/ Stone Cap
	2x4 Jamb		Hardie-Shingle Siding - 7" Exposure
	2x Shaped Sill w/ 2x4 Apron		

- Notes:
1. Trim be a Composite (wood like) Material (size as indicated on Exterior Material Table).
 2. Glass Shown at Garage Door is a Buyer Option.

Conceptual Exterior Elevations 2A
Lot I (Reverse Elevation)

Morgan Estate
18755 Old Monterey Road
Morgan Hill, California
Appletree Investments



Right Side Elevation



Rear Elevation



Left Side Elevation



Front Elevation

Exterior Materials

Roof: High Profile Composition Shingle
Fascia: Gutter o/ 2x8 Eave Board
Barge: 2x8 Rake Board
Walls: 1-Coat Stucco - Heavy Sand Finish
Trim: 2x6 Head
2x4 Jamb
2x Shaped Sill o/ 2x4 Apron

Windows: Vinyl Frame w/ Dual Pane Glass
Doors: Insulated Fiberglass Panel
Garage Door: Insulated Metal Roll-up
Accents: El Dorado Rustic Ledge Veneer

Notes:
1. Trim to be Smooth Finish Stucco o/ Foam (size as indicated on Exterior Material Table).

Conceptual Exterior Elevations 2B
Lot 3 (Reverse Elevation)

Morgan Estate
18755 Old Monterey Road
Morgan Hill, California
Appletree Investments

0 2 4 8
SCALE: 1/4" = 1'-0"
November 9, 2018

edward c. novak
ARCHITECT LEED AP
153 GILLETTE PLACE #108 LIVERMORE, CA 94550
phone: 714 323-8396 email: ed@ecarchitecture.com

A2.3



Plan 2A Reverse
(Lot 1)

Plan 1A Reverse
(Lot 2)

Plan 2B Reverse
(Lot 3)

Conceptual Street Scene
(Along Old Monterey Road)

0 2.75 5.5 11
SCALE: 3/16" = 1'-0"
November 9, 2018

Morgan Estate
18755 Old Monterey Road
Morgan Hill, California
Appletree Investments

edward c. novak
ARCHITECT LEED AP
153 GILLETTE PLACE #108 LIVERMORE, CA 94550
phone: 714 923-8396 email: ed@ecnaarchitecture.com

SS1

Attachment: Old Monterey - Kelly Vo All Project Plans [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

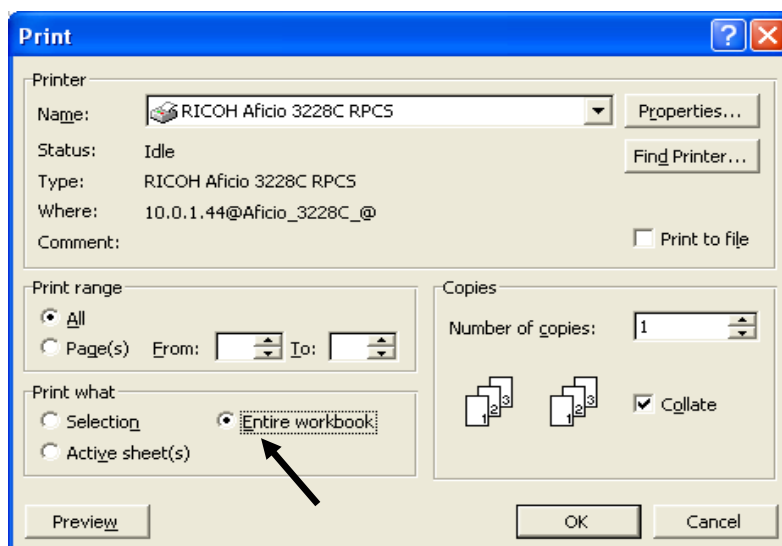
Residential Development Control System Competition

Project Narrative Questionnaire

Micro Competition

INSTRUCTIONS

1. This project narrative is for MICRO COMPETITION PROJECTS ONLY.
2. This file restricts the user by only allowing to enter data in the proper sections of the document. Do not make changes to the formatting or other worksheet changes as it will cause errors in point tabulations and printing.
2. For Pages 1-7, fill out all information in the blank spaces as necessary.
3. For Pages 8-55 (Part II Evaluation, starting with the Schools section), type in your requested points in the Blue sections. Leave blank for zero points requested.
4. In addition to the points requested, provide a description of how the project achieves the established criteria to receive the points (Yellow Sections). If you need additional space, an addendum document can be created. Number your statements accordingly and submit addendum document with project narrative.
5. The Pink Sections will tabulate all scores automatically.
6. Do not forget to save your file (Excel Format). You will need to submit an electronic copy in addition to printed copies.
7. To Print, select "Print" from the File menu. Select "Entire Workbook" from the -Print What- section. (This will paginate pages correctly. Printing each worksheet separately will not paginate pages properly).



Residential Development Control System Competition

2016 Project Narrative Questionnaire

Micro Competition

Project Name:

Old Monterey Micro

Applicant's Name:

Kelly Vo

FOR OFFICE USE ONLY

Date Received

1-Sep-16

File No.:

RDCS2016-0008 Monterey-Vo

Attachment: RDCS Final Narrative (2299 : Subdivision Old Monterey-Kelly Vo)

PROJECT DESCRIPTION

Applicant:	Kelly Vo
Address:	P.O. Box 32115, San Jose, CA. 95152
Phone:	408-799-4507
email:	VKelly1979@yahoo.com
Engineer	DPC c/o Vince Burgos, 220 Live Oak Drive, Danville, CA. 94506 408-421-2695
Phone:	MH Engineering, MH CA.
email:	VRBURGOS@hotmail.com

Project Address:	18755 Old Monterey Road, Morgan Hill
Assessor Parcel Number:	764-24-061
General Plan Designation:	
Existing Zoning:	R1 7000

Present Site Use:	Rural Residential
Proposed Site Use:	Single Family detached Residential

Total Gross/Net Area:	1.0428 acres
-----------------------	--------------

Dedicated Street Area:	0
------------------------	---

Total Building Coverage:	2810%
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No. of Off-Street Parking Spaces:	14
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No. of Off-Street Spaces Required:	12
------------------------------------	----

No. of Proposed Lots/Units:	Six / Six
-----------------------------	-----------

- Are there any vacant properties adjacent to or within 100 feet of the current application?
☐ YES ☒ NO
- As the applicant or owner do you, your partners, or relatives of you or your partners have ownership or interest in any adjacent properties, or properties with in 100 feet of the current application?
☐ YES ☒ NO

If yes, list the Assessor Parcel Numbers for each parcel.

--

Note: Any "yes" response to the two questions above required staff consultation to verify project master plan requirements and whether the project is eligible for any of the special set aside competitions.

Housing Type:	Single-Family Detached:	6	Units
	Single-Family Attached:		Units
	Multi-Family (Owner Occupied)		Units
	Multi-Family (Renter Occupied)		Units
	Other:		Units

Number of Below Market Rate Units:	0	Units
------------------------------------	---	-------

PROJECT CATEGORY:	Micro
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A description of the project categories can be found in Council Policy 07-04: RDCS Implementation Policies on the cities website and/or by request from the Planning Division or City Clerk's office.

Housing Types are defined as follows:

Condominium.

"Condominium" means individual ownership of a dwelling unit within a multiple-unit structure exclusive of the land underlying such structure. For purposes of the City's Measure C competition, stacked condominiums, condominium units in buildings containing three or more units are considered multi-family dwellings.

Dwelling, multifamily.

"Multifamily dwelling" means a building designed and used as a residence for three or more families living independently of each other and containing three or more dwelling units.

Dwelling, single-family, attached.

"Single-family attached dwelling" means a dwelling attached to another dwelling, sometimes called a townhouse, duet, or row house. One or more walls extend from foundation to roof, which separate it from adjoining structures and form a property line. For purposes of the City's Measure C competition, single-family attached also includes one and two unit condominium buildings.

Dwelling, single-family, detached.

"Single-family detached dwelling" means a dwelling designed to contain a single dwelling unit situated on a single lot. For scoring purposes, attached and detached single family dwellings are considered the same housing type (single-family dwellings).

Dwelling, two-family or duplex.

"Two-family" or "duplex dwelling" means a structure which is designed and used as a residence for two families living independently of each other and containing two dwelling units on a single parcel of record. For purposes of the City's Measure C competitions, duplexes are considered multi-family dwellings.

Secondary dwelling unit.

"Secondary dwelling unit" means a detached or attached dwelling unit which provides complete independent living facilities for one or more persons which is located on a lot which contains an existing or proposed single-family dwelling. A secondary dwelling unit must be located in a permanent structure with independent outside access, and include provisions for living, sleeping, eating, cooking, and sanitation. For scoring purposes, a secondary dwelling unit is considered a separate housing type provided at least 10 percent of the primary dwellings include secondary dwelling units. Secondary dwellings are only permitted in the R-1, R-E and O-S districts. Therefore, secondary dwellings will only be recognized as a separate housing type in the aforementioned zoning districts.

Single story dwelling unit.

A single story dwelling is considered a separate housing type under the RDCS scoring criteria provided that at least fifteen (15) percent of the total dwelling units in the project are constructed as single story dwellings.

HOUSING MARKETABILITY AND PRICE DISTRIBUTION

Model # : 1 No. of Bedrooms: 4 No. of Bathrooms: 3 Size: 2500 sq. ft.

No of Units: 2 Price: \$900,000 Rent: /month

Model # 2 No. of Bedrooms: 4 No. of Bathrooms: 3 Size: 2900 sq. ft.

No of Units: 2 Price: \$975,000 Rent: /month

Model #: 3 No. of Bedrooms: 5 No. of Bathrooms: 3.5 Size: 3235 sq. ft.

No of Units: 2 Price: \$1,150,000 Rent: /month

Model # : No. of Bedrooms: No. of Bathrooms: Size: sq. ft.

No of Units: Price: Rent: /month

Model # :	No. of Bedrooms:	No. of Bathrooms:	Size:	sq. ft.
-----------	------------------	-------------------	-------	---------

No of Units: Price: Rent: /month

Model # :	No. of Bedrooms:	No. of Bathrooms:	Size:	sq. ft.
-----------	------------------	-------------------	-------	---------

No of Units: Price: Rent: /month

BMRS (Very Low, Low, and Median):

Model # :	No. of Bedrooms:	No. of Bathrooms:	Size:	sq. ft.
-----------	------------------	-------------------	-------	---------

No of Units: Lot #'s:

Moderate Rate Units (Non-BMR's):

Model # :	No. of Bedrooms:	No. of Bathrooms:	Size:	sq. ft.
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No of Units: Lot #'s:

Other Market/Price Information:

Planning			
FY 2018 - 2019	6 Untis	Plan three will retain a Granny unit.	

BELOW MARKET RATE (BMR) PARTICIPATION

The project will receive an average score of **6 points** under the Housing Needs category if the Developer agrees to pay the standard housing mitigation fee. To receive a high quality score a project must provide on-site BMR units as prescribed in the Housing Needs Category (Section 18.78.260), or pay double the standard housing fee if qualified under the Housing Needs Category.

1. Developer agrees to pay the standard housing mitigation fee:

☒

Yes

☐ No

Information concerning the housing mitigation fee can be obtained by calling the Morgan Hill Housing Office at (408) 778-6480

2. This project will ☐; will not ☒ include on-site BMR units.

3. If the project will include BMR units, please answer the following:

For Sale Units:

Developer agrees to reserve unit(s) as BMR's for:

(check) low income; median income.

For Rent Units:

Developer agrees to reserve unit(s) as BMRs for

(check) very low income; low income.

PROJECT EVALUATION - PART 1

Each proposed development shall be examined for its relations to and impact upon local public facilities and services. The appropriate City department or outside public agencies shall provide recommendations to the planning officer (PO), and the PO shall rate each development by assigning from 0 to 2 points for each of the categories contained in Section 18.78.200 of the Municipal Code. Projects which receive a minimum of 7-1/2 points out of a possible 10 points will be further evaluated under Part 2.

In order for City staff to complete evaluation of the proposed project under Part 1, the following information must be provided:

1. Please indicate the exact location and size of City water mains in relation to the project:

8" Water Mains in Old Monterey Road, Campoli Drive and Mustard Avenue (1.5 points)

2. Please indicate the exact location and size of City sanitary sewer mains in relation to the project:

8" Sanitary Sewer in Old Monterey Road, Caampoli Drive and Mustard Avenue (2 points)

3. Please indicate the exact location and size of City storm drain lines or other storm drainage facilities in relation to the project:

42" Storm Drain in Mustard Avenue (1.5 points)

4. Will local drainage generated by the project be mitigated by use of a private on site detention facility?

☒ Yes

☐ No

☐ N/A

5. What is the City Fire Department response time to the project site? Please contact the Morgan Hill Fire Department at (408) 776-7351 for this information. Fire protection response time is within minutes.

number of minutes

6. Please indicate the location of the nearest existing City park to the proposed project:

Galvan Park is 1.1 Miles away

7. Identify City streets in the immediate area that will provide access to the project site:

Old Monterey Road, Monterey Road, Hale Avenue, Cochrane Road. SVFW (2 points)

PROJECT EVALUATION - PART 2

18.78.210 Public Schools

- A. "The provision of school facilities and amenities are as attested by agreement with the Morgan Hill Unified School District (MHUSD) to the extent such consideration is not in conflict with state law.

.....(25 points)"

- B. Standard and Criteria:

1. **Fourteen points** will be awarded for the payment of the district-adopted developer fees as provided by the Leroy F. Greene School Facilities Act of 1998. Full market value credit will be applied to a direct payment to the MHUSD, for donated land, construction, or other services provided by a developer or project property owner that relate to provision of school facilities. **(14 Points).**

Applicant's Answers			Staff Comments		
	Comment	Pts	Comment	Pts	
1.	Commit to payment of district adopted developer fees as provided by the Leroy F. Green School Facilities Act of 1988. ☒ YES ☐ NO	14	Commit to payment of district adopted developer fees as provided by the Leroy F. Green School Facilities Act of 1988. ☒ YES ☐ NO	14	
Sub total	Maximum points: 14	14	Maximum points: 14	14	

2. **Two points** will be awarded to projects that are within half-mile radius of an elementary, middle or high school that has capacity to house the number of students that the development would yield as calculated using the student yield factor from the District's most recent Developer Fee Justification Report. The District will annually provide the student yield rate and schools that have available capacity prior to May 1. **(Micro projects will be awarded two points)**

NOTE: For multi-year projects, the project shall retain the points received during the first phase of the project. The points shall not be decreased or increased due to available capacity.

Applicant's Answers			Staff Comments		
	Comment	Pts	Comment	Pts	
2	Micro Project 6 Units	2	This is a micro project and automatically awarded 2 points	2	
Sub total	Maximum points: 2	2	Maximum points: 2	2	

3. Up to **six additional points** may be awarded to a project where: At the time of application submittal, applicant commits as part of the first year of the first phase of the current application, a safe walking route exists or will be provided between the project site and existing or planned MHUSD schools, or charter school approved by MHUSD, Santa Clara County Board of Education or California Department of Education. A safe route is defined as continuous sidewalks and/or paved pedestrian pathways cross walks and traffic signals at designated street intersections between the project and a school site.

The distance to the school is measured as the lineal distance a student would walk from the average center point of housing in a project to the nearest entrance point of the nearest school grounds.

- a. The project is within 3/4 of a mile lineal walking distance of an elementary school serving grades TK through 3 and the students are not required to cross railroad tracks, or a street that is designated within the General Plan as a collector or arterial. **(one point)**
- b. The project is within 3/4 of a mile lineal walking distance of an elementary school serving grades 4 through 8 and the students are not required to cross railroad tracks, or a street that is designated within the General Plan as an arterial. **(one point)**
- c. The project is within 1.5 miles lineal walking distance of a middle/intermediate school and the students are not required to cross railroad tracks, or a street that is designated within the General Plan as an arterial unless the most direct street crossing can occur at a signalized intersection **(one point)**
- d. The project is within 1.5 miles lineal walking distance of a high school. **(two points)**

NOTE: For purposes of scoring, district-wide programs which serve all students within MHUSD and don't have specific boundaries such as Community Adult School, Home School or Independent Studies, Opportunity, or Continuation High School shall be considered programs and not schools.

- e. Proposed development will be for senior citizens as defined in Section 51.2 of the State Civil Code and the RDCS Council Policy defining the senior housing competition category. **(six points)**

NOTE: For scoring purposes, the anticipated attendance area for an existing or planned school shall be as determined by the Board of Education and published by MHUSD prior to May 1 of the calendar year for each competition. A planned school is defined as a site designated by the MHUSD Board for a future school prior to May 1 of the calendar year the competition is held. Scoring for a multi year/phased development includes recognition of all pedestrian safety or traffic improvements provided in the initial or previous phases of the development. Improvements required to establish a safe walking route (sidewalks, paved paths, traffic signals, etc.) must be in place when the project is ready to build or the improvements will be completed by the project.

Applicant's Answers			Staff Comments	
3	Comment	Pts	Comment	Pts
a.			N/A	0

b.			N/A	0
c.	The project is within 1.2 miles lineal walking distance of Britton middle/intermediate school.	1	The project is within 1 1/2 miles of Britton Middle School with a safe continuous walking path.	1
d.	The project is within 1.35 miles lineal walking distance of Sobrato high school.	2	The project is within 1 1/2 miles of Sobrato High School with a safe continuous walking route.	2
e.			N/A	0
Sub total	Maximum points: 6	3	Maximum points: 6	3

4. Up to **six additional points** may be awarded to a project which:

Provides off-site pedestrian safety improvements or traffic safety improvements, including adjacent related roadway improvements near a MHUSD school. Any proposed pedestrian and traffic safety improvements cannot be redundant of improvements committed to in other categories. The cost of the improvements must be valued at \$825 per point per unit. The pedestrian improvements and traffic safety improvements must be made to an elementary school within 3/4 of a mile (straight line distance) of the edge of project site or the same improvements can be made to a middle or high school within the City's Urban Service Area (USA). **(up to two points for safety improvements in proximity to a school and up to four points for safety improvements on roadways serving schools within the City's USA)**

NOTE: The public improvements offered under the above section must be separate from the public improvements offered within the Public Facilities, Circulation Efficiency and Livable Communities Categories.

For safe walking route improvements, applicants must also provide a letter from each intervening property owner stating agreement to dedicate the required street right-of-way for the sidewalk or pathway improvements between the project site and the designated school. Improvements to establish a safe walking route must be completed prior to completion of the 20th unit in the development or completion of the project, whichever occurs first.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
4.	Project commits to provide PSI and TSI \$4,950/Unit	6	Provide off-site pedestrian safety improvements or traffic safety improvements to an elementary school located within 3/4 miles of the project site or to a middle school or high school up to \$4,950 per unit. Project commits to provide safe walking improvements as designated by MHUSD and the City of Morgan Hill Public Works Department.	6
Sub total	Maximum points: 6	6	Maximum points: 6	6

Total Points Requested by the Applicant	Total Points Recommended by Staff
25	25

MAXIMUM POINTS: 25

18.78.220 Open Space

- A. "The provision of public and/or private usable open space, and where applicable, greenbelts.
.....(20 points)"
- B. Standards and Criteria
1. Open space areas are provided or maintained within the proposed development.
 - a. Provides open space buffer areas adjacent to freeway or arterial streets, measuring five feet in depth in excess of the zoning code requirements for **one point**, 10 feet in excess of the code for **two points**. (up to two points);
 - b. Public or private common useable open space is encouraged where neighborhood homeowners associations or other acceptable private maintenance entity can be used to coordinate their use and maintenance (**one point**);
 - c. Provides convenient access to public or private parks internal to the project where appropriate through the use of bicycle and pedestrian pathways. Bicycle and pedestrian pathways shall be located in areas no less than 20 feet wide, with an average width of 30 feet. (for the entire length of the path.) The pathway provided shall be paved or other suitable durable surface and a minimum of 7 feet in width. The proposed pathway(s) cannot be redundant of public sidewalks. (**one point**)
 - d. For Multi-family projects, provides convenient access to private parks or amenities internal to the project where appropriate through the use of pedestrian pathways. Pedestrian pathways shall be at least six feet in width, have adjacent landscaping and provide handicap ramps and demarcated crossings of all internal streets and drive aisles. (**one point**)
 - e. Provides accessibility to existing or proposed public parks and open space areas outside the project boundary and encourages multiple uses and fee dedication of open space areas adjacent to flood control right-of-ways and recharge facilities. Points will only be awarded where the relevant public agency has provided written approval to allow access between the project and the aforementioned facilities. The access provided cannot be redundant of the public sidewalk (**one point**).
- NOTE:** Requires public agency ownership or agreement to accept dedication of the land by the public agency.
- f. Provides private usable open space areas for single-family attached projects (excluding decks and balconies) for 75 percent of the project (**one point**) for 100 percent of the project (**two points**).
 - g. Provides public or private common useable open space which may be used for a dual purpose to include underground stormwater detention, as determined by the Department of Public Works (**one point**).
 - h. Historical sites and landmarks identified on a local, county, state or federal listing or registry on or adjacent to the project site are maintained in as natural state as possible with limited supportive development such as parking facilities, fencing, signing, etc. The proposed commitment requires staff consultation and concurrence regarding proposed maintenance activity or supportive development related to the historical site or landmark. (up to two points).

NOTE: Placement of a historical plaque or marker will only be awarded one-half point.

Applicant's Answers			Staff Comments	
1.	Comment	Pts	Comment	Pts
a.	NA		N/A	0
b.	NA		N/A	0
c.	NA		N/A	0
d.	NA		N/A	0

Attachment: RDCS Final Narrative (2299 : Subdivision Old Monterey-Kelly Vo)

e.			N/A	0
f.			N/A	0
g.	NA		N/A	0
h.	NA		N/A	0
Sub total	Maximum points: 8	0	Maximum points: 8	0

Attachment: RDCS Final Narrative (2299 : Subdivision Old Monterey-Kelly Vo)

2. Provides a high ratio of total open space area. **(A maximum of ten points will be assigned under this criterion).**

a.

Building Coverage (%)	Points	Building Coverage %	Points
55 - <60	1	30 - <35	6
50 - <55	2	25 - <30	7
45 - <50	3	20 - <25	8
40 - <45	4	15 - <20	9
35 - <40	5	10 - <15	10

- b. Building coverage for vertical mixed use projects, multi-family, projects in the CC-R district or projects zoned R-4 or similar high density zoning classification will be calculated as follows: **(A maximum of ten points will be assigned under subsection b. of the criterion.)**

Building Coverage (%)	Points	Building Coverage %	Points
90 - <95	3	70 - <75	7
85 - <90	4	65 - <70	8
80 - <85	5	60 - <65	9
75 - <80	6	55 - <60	10

Building coverage is defined as that portion of the overall project master plan, exclusive of sidewalks, driveways and streets, which is covered by a building, parking lot or carport. In projects with open plazas on a podium above ground level parking, the open plaza space shall be excluded from the calculation for building coverage.

Total Gross Acreage of	Applicant's Answers	Staff's Comments
Site:	1.043	1.043
Less Sidewalks:	0.01	0.01
Less Driveways:	0.095	0.095
Less Streets:	0.938	
Net Site Area:	0	0.938
Total Building Coverage	28.1	0.264
Total Building Coverage %	#DIV/0!	28%
Points (see a or b above)	7	7
Subtotal	7	7

3. Downtown vertical mixed use projects will be awarded up to **six points** for a commitment to contribute toward a shared open space amenity such as a park, green space along the creek or downtown plaza.
- a. In addition to the points available under Subsection B4 below, a vertical mixed use project will be awarded **three points** for payment of a downtown open space amenity fee. The amount of the fee shall be equal to the most recent adjusted open space fee (see Note 1 below). Eligible projects that elect to pay double the fee will be awarded **six points**.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
3.	NA		N/A	0
Sub total	Maximum points: 6	0	Maximum points: 6	0

4. There is a maximum of **6 points** available in this category.
- The project will receive **three points** for a commitment to purchase transferable development credits (TDCs) from property owners with land of greater than twenty percent slope. (Based upon the ratio of one TDC for every twenty dwelling units proposed.)
 - Projects of twenty five (25) units or less which do not provide a common area park or open space will receive **six points** for a commitment to purchase double TDC's.
 - Projects zoned R-2, R-3, or similar or higher density classifications will receive **six points** for a commitment to purchase double TDC's.

NOTE 1. In lieu of the TDC commitment, projects of twenty five units or less, Downtown Area projects and affordable project developments will be awarded **three points** for payment of an open space fee at the rate of \$36,880 per TDC per twenty units; or projects that elect to pay double the open space fee will be awarded **six points**. The amount of the open space fee shall be based on the average cost per dwelling unit for an equivalent TDC commitment as specified above. The open space fee shall be adjusted annually in accordance with the annual percentage increase or decrease in the median price of a single-family detached home in Santa Clara County. The base year may be adjusted by City Council Resolution prior to the filing deadline for each competition year.

NOTE 2. Projects containing both single and multi-family zoning will be granted a proportional share of points for commitments to 4a and 4c above. Points will be granted based on a percentage of units within the various zoning districts within the **entire overall** project. For example, a project of 50 percent R-2 and 50 percent R-1 would receive 50 percent of the **6 points** available under 4c and 50 percent of the **3 points** available for the single family TDC commitment under 4a, for a total of **4.5 points (rounding will occur to the nearest half point)**

Applicant's Answers			Staff Comments	
4.	Comment	Pts	Comment	Pts
a.	NA		N/A	0
b.	Less than 25 units. No park provided. Applicant commits to purchase double TDC's from property owners with land of greater than twenty percent slope (based upon the ratio of one TDC for every twenty dwelling units proposed).	6	The project commits to double TDC's.	6
c.	NA		N/A	0
Sub total	Maximum points: 6	6	Maximum points: 6	6

Total Points Requested by the Applicant	Total Points Recommended by Staff
13	13
Minimum Score Applied To Micro Project	12

MAXIMUM POINTS: 20

18.78.230 Orderly and Contiguous Development

- A. "The extent to which the proposed development accomplishes the orderly and continuous extension of existing development rather than "leapfrog" developments, by using land contiguous to urban development within the City limits or near the central core and by the filling in on existing utility lines rather than extending utility collectors.

.....(20 points)"

For scoring purposes, "the central core" is described generally as that area bounded on the west by Del Monte Avenue from Wright Avenue to Ciolino Avenue and by West Little Llagas Creek from Ciolino Avenue to Cosmo Avenue; on the east by the railroad tracks from the easterly prolongation of Wright Avenue to Main Avenue, by Butterfield Boulevard from Main Avenue to Dunne Avenue, and by Church Street from Dunne Avenue to the easterly prolongation of Cosmo Avenue; on the north by Wright Avenue and its easterly prolongation to Church Street.

- B. Standards and Criteria

1. Develops lands near the central core of the City as defined by Exhibit "B" to Measure "C" approved by the voters on March 2, 2004. There is a benefit for development to be within the central core area. However, it is recognized that the City does not have a well defined central core. Therefore, greater emphasis is to be given to contiguous patterns of growth. Projects within the core area will receive **eight points**. Projects located outside the core area will receive from **zero to seven points**, depending on their relationship to the core area measured from the centerline of a street as shown below:

Project is	Point
Within central core:	8
Within 600' of the central core area;	7.5
Within 1,200' of the central core area;	7
Within 1,800' of the central core area;	6.5
Within 2,400' of the central core area;	6
Within 3,000' of the central core area;	5.5
Within 3,600' of the central core area;	5
Within 4,200' of the central core area;	4.5
Within 4,800' of the central core area;	4
Within 5,400' of the central core area;	3.5
Within 6,000' of the central core area;	3
Within 6,600' of the central core area;	2.5
Within 7,200' of the central core area;	2
Within 7,800' of the central core area;	1.5
Within 8,400' of the central core area;	1
Within 9,000' of the central core area;	0.5
More than 9,000' from central core area;	0

NOTE: If any portion of a project is within the central core, as defined by the PO, that project shall be considered within the central core area. The distance from the central core shall be measured using the minimum distance between any portion of a parcel and the central core boundary measured in a straight line.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
1.	Project is within central core area as described above: ☐ Yes ☐ xxx No If not, project is within 4680 feet of the central core.	4	Project is within central core area as described above: ☐ Yes ☐ x No If not, project is within 4686 feet of the central core.	4
Sub total	Maximum points: 8	4	Maximum points: 8	4

2. Fills in existing utility lines (requires no off-site extensions) and provides a contiguous pattern of growth. If water is available at the site and the water main is of sufficient capacity and supply to serve the proposed project and future development, the project will receive **one point**. If sewer is available to the site and the sewer main has sufficient capacity to serve the proposed project and future development, the project will receive **one point**. If storm drains are of sufficient capacity to serve the project and are available to the site, the project will receive **one point**. If the project is located within the established response time standard of one fire station, the project will receive **one point**. If the project is located within the established time standard of one fire station and within 115% of the response standard for a second fire station, the project will receive an **additional one half point**. If the project is located within the established response time standard of two or more fire stations, the project will receive **one additional point**.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
2.	Fills in on Ex. Utilities Water 1 Storm 1 1 F.S. 1 Sewer 1	4	Water 1 Sewer 1 Storm 1 Fire-1	4
Sub total	Maximum points: 5	4	Maximum points: 5	4

3. A proposed development located within the existing urban service area which provides for orderly growth and urban in-fill is preferable and helps prevent premature urbanization of agricultural land. Projects that provide for orderly growth patterns throughout residential neighborhoods and compatibility with adjacent and nearby land uses are preferable. Projects that are located adjacent to land that has been developed or approved for development shall be scored as follows:

Adjacency	Point
0 - 20% Adjacent to existing development	1
20 - 40% Adjacent to existing development	2
40 - 60% Adjacent to existing development	3
60 - 80% Adjacent to existing development	4
80 - 100% Adjacent to existing development	5

Adjacent development is defined as contiguous property located within MH's city limits, Urban Service Area, or Urban Growth Boundary (UGB) and which is developed to its ultimate potential according to the City's General Plan or zoning of the property, or at least substantially developed according to the General Plan or Zoning. To be considered substantially developed, at least ninety-five percent of the contiguous land area must be committed or developed to its ultimate use. Contiguous property does not include streets, railroad rights-of-way, or parcels held in fee title by a public utility or public agency containing above or below ground utilities such as gas pipelines, electric power transmission lines, or major water distribution pipelines.

County lands dedicated as a public facility or encumbered with an open space easement or contiguous property within MH's UGB committed to an ultimate land use such as a city park, developed school site, or private open space will also be considered as adjacent development. Open space lands which are owned in private must have a public open space easement recorded over the corresponding area. For scoring purposes, undeveloped property which by September 15th of the fiscal year the competition is held has received either final map approval or tentative map and development agreement approval for projects which previously completed phase(s), or for which building permits have been issued, shall be considered to be developed property. The perimeter established for the complete (master-planned) project will be used to determine adjacency for every RDCS submittal. Where previously allocated phases of the same project have been developed or have received final map approval and are immediately adjacent to an otherwise undeveloped external boundary, that portion of the project's perimeter shall then be considered developed, provided the project is making satisfactory progress according to the approved development schedule. (project is not in default).

The percentage of a property that is adjacent to development shall be that percentage of the combined length of the subject property lines which is determined to be contiguous to adjacent development as defined in this subsection. The subject property is defined as a single parcel or contiguous parcels of record on which the proposed project would be located and shall include that portion of the subject property designated for future development. A designated remainder parcel shall not be considered a portion of the subject property except where development on all or a portion of the remainder parcel is proposed as part of the current project application.

Adjacency Determination Table					
Applicant's Answer			Staff Comments		
	Total	Developed		Total	Developed
North	204	204	North	188	188
South	203	203	South	185	185
East	293	293	East	236	236
West	304	304	West	271	271
Total	1004	1004	Total	880	880
%	100%		%	100%	

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
3.	North - Meritage South - Chen East - Industrial West - Ryder Homes	5	The project site is developed on all sides by 100%.	5
Sub total	Maximum points: 5	5	Maximum points: 5	5

4. A proposed development, which is a subsequent phase of a previously approved project that has been awarded allotments, provides for the continuous extension of existing development.
- A proposed development which is a subsequent or final phase of a previously allocated development and consists of 30 dwelling units or less, shall be awarded one point. **(one point)**
 - A continuing project will receive two points if one half of the units allocated for the fiscal year the competition is held have been issued building permits by September 15, AND all prior phases are under construction or completed (excluding customs). **(two points), OR**

If a proposed development is a continuing project and does not have any allocations for the FY the competition is held, the project will receive **two points** if all previous phases (if any) are under construction.
 - A continuing project will receive one point if twenty five percent or more of the project has been awarded a building allotment and as of the next RDCS competition deadline, the project entitlements have been delayed due to extended environmental processing for completion of an Environmental Impact Report (EIR). The EIR process must be underway at time of application filing for the next RDCS competition. **(one point)**

NOTE: To qualify for any points under paragraph B4, the proposed development at total buildout shall not exceed the number of units proposed in the original Development Application from which the project had been awarded an initial building allotment, unless approved by the Planning Commission prior to the competition's application submission deadline. The number of units requested for each subsequent fiscal year shall be not more than 25% above any single highest year allotment for the proposed project to a maximum of 40 units. The 25% or 40-unit limit includes any units already allocated to the project in that fiscal year as a result of a prior fiscal year competition. **For Subsection B4a and B4b above**, earlier phases of development must also have an approved development agreement and the project must be in compliance with said agreement. Applicants must provide a list of all previous fiscal year allotments.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
4.	NA	N/A		0
Sub total	Maximum points: 5	0	Maximum points: 5	0

5. Project Master Plan design is above average in terms of addressing internal street circulation and access requirements, appropriate transition of lot size and density within the development and with surrounding developments, and aggregation and use of common open space areas. **(minus one, zero, one or two points)**

NOTE: Project Master Plan determined to be only satisfactory with respect to the above items will be awarded **zero points**. A project will be awarded **one point** if no significant design flaws can be found, and the design gives strong consideration to the issues of circulation, access, density transitions, and the use of common open space. A project will be awarded an additional point if a preliminary RDCS review was completed prior to the competition and the project master plan incorporates fundamental changes as recommended by city staff. Projects that go through a preliminary RDCS review and require only very minor changes to improve the quality of the project master plan design will also receive an additional point for a two point award. If a Project Master Plan has two or more significant design flaws, it will be considered below average and **one point** will be taken away. A design flaw would be something that, at the subdivision stage, staff would ask to be modified or not recommend for Planning Commission approval. Significant design flaws would basically require the redesign of the Master Plan. For scoring purposes, that portion of an outgoing project awarded a building allotment prior to October 1, 1999, shall not be considered within the Project Master Plan design, except where the inclusion of the earlier allocated phase(s) would result in a higher overall design.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
5.	There are no design flaws	2	A preliminary RDCS application was not submitted for this project. It is not ideal to have driveways onto Old Monterey Road. Had a preliminary review been submitted, the applicant would have been advised to look at revising the design and layout of the project.	0
Sub total	Maximum points: 2	2	Maximum points: 2	0

Total Points Requested by the Applicant	Total Points Recommended by Staff
15	13
Minimum Score Applied To Micro Project	2

MAXIMUM POINTS: 20

Attachment: RDCS Final Narrative (2299 : Subdivision Old Monterey-Kelly Vo)

18.78.240 Public Facilities

- A. "The provision of needed public facilities such as critical linkages in the major street system, or other vital public facilities.
(10 points)"

B. Standards and Criteria (**Maximum ten points**)

1. A micro, small vertical mixed-use or affordable project will receive (**three points**) if it meets all standard requirements for design and construction of public facilities.

Applicant's Answers				Staff Comments			
	Comment			Pts	Comment		
1.	Micro or affordable project will meet all standard requirements for design and construction of public facilities:			3	Micro or affordable project will meet all standard requirements for design and construction of public facilities:		
	X	Yes	No		X	Yes	No
Sub total	Maximum points: 3			3	Maximum points: 3		

2. Installs public facilities of sufficient size to service the proposed development and future developments without the need to install supplemental facilities.
- Grids proposed water mains into the existing water system by linking two separate existing water mains. (**two points**)
 - Drainage concept is consistent with the City's storm drain system. (e.g., the City Storm Drain Master Plan, local area storm drain system (**one point**))
 - Storm drain lines that are to be maintained by the City will be constructed entirely within the paved area of the street (curb to curb), or in a location acceptable to the Director of Public Works. (**one point**)
 - Storm drainage from the development is accommodated without the need for an on-site detention or open space retention areas, unless the on-site detention facility is appropriately located and sized so as to serve or coordinate with future area-wide or adjacent development. The detention/retention facility shall be designed as open pond and shall only be underground as allowed by the Public Works Department. (**up to two points**)

NOTE 1: Applicants providing an oversized pond must supply information specifying how the detention sizing will address the area need and how other projects will be connected to the detention facility. The extra capacity provided must be stated in terms of the land area it can serve in acres and cubic feet. When the detention is not connected to other projects, the applicant must provide data satisfactory to the City Public Works Department demonstrating the detention facility's benefit to other off-site projects. This shall be in the form of an agreement letter included with the application submittal. **Over-sizing must equal 50 percent of the project drainage area or 10 acres, whichever is greater, to receive maximum points.**

NOTE 2: Applicants who use a regional detention facility, a detention pond from another development, or a Santa Clara Valley Water District facility must supply an authorization/approval letter with their application.

- Provides a pre-approved site within the project boundary for City municipal water well which shall be granted to the City of Morgan Hill in fee title. (**one point**)

- f. Provides public facility, off-site storm drainage improvements or pedestrian improvements from a City-approved list or improvements on or adjacent to the project in excess of standard requirements, e.g. sewer, traffic control. In the Downtown Area, these improvements can include pedestrian amenities such as lighting, planters that function as seating, seating and railings to lean on, refuse and recycling bins, traffic calming features, contribution to a public art fund or provides public art of appropriate value approved through the City's Library, Culture and Arts Commission, or provides gateway features, consistent with the Downtown Plan. **(maximum 4 points)**

NOTE: Under this criterion, the applicant needs to explain how and why the offered public improvements exceed the city standards. Furthermore, the cost of the offered public improvements and dedication shall be equal to or greater than \$1,100 per unit per point. Should the offered dedication and improvements be redundant to those offered within the Circulation Efficiency (CE) Category, the value of the redundant improvements will be reduced by \$1,100 per unit per point for each point awarded within the CE Category. For example, if redundant improvements are valued at \$3,300 per unit here, and **2 points** were awarded for them in the CE Category, then only **1 point** would be awarded for them here. The improvements offered here and in the Circulation Efficiency Category also cannot be redundant of those improvements offered within the School Category.

Emphasis will be placed on improvements on or adjacent to the project but consideration will also be given to projects that provide improvements within one mile beyond their project boundaries. **(one - four points)**

- g. Applicant will contribute \$1,100 per unit to the RDCS Capital Improvements fund. (Contingent commitments will not receive point) **(one point)**

NOTE: Proposed developments must be assigned a minimum passing score of **five points** under this category in order to qualify for building allotments.

Scoring for a multi-year/phased development includes recognition of all public facility improvements committed to be installed in the initial or previous phases of development (project completed to date vis-à-vis improvements completed to date). The initial or previous phase of development must also be in compliance with the development schedule approved for the project.

Applicant's Answers			Staff Comments	
2.	Comment	Pts	Comment	Pts
a.	NA		n/a	0
b.	Drainage concept is consistent with City's Storm drain system (e.g., the City Storm Drainage Master Plan, local area storm drain system): X Yes ☐ No	1	Drainage concept is consistent with City's Storm drain system (e.g., the City Storm Drainage Master Plan, local area storm drain system): x Yes ☐ No	1
c.	No public storm drains to maintain	1	Points are awarded for projects to provide public stormdrain lines within the public right of way to meet City standards. This item is not to award points for no public stormdrains to maintain.	0

d.	NA		n/a	0
e.	NA		n/a	0
f.	Applicant will provide public improvements from cities approved list at \$4,400/Unit	4	Applicant will provide public improvements at \$4,400/unit.	4
g.	Applicant will contribute \$1,100 per unit to the RDCS Capital Improvement Program Fund: ☒ Yes ☐ No	1	Applicant will contribute \$1,100 per unit to the RDCS Capital Improvement Program Fund: ☒ Yes ☐ No	1
Sub total	Maximum points: 10	7	Maximum points: 10	6

Total Points Requested by the Applicant	Total Points Recommended by Staff
10	9

MAXIMUM POINTS: 10

Attachment: RDCS Final Narrative (2299 : Subdivision Old Monterey-Kelly Vo)

18.78.250 Parks and Paths

A. "Provision of parks, foot or bicycle paths, equestrian trails or pathways.
(10 points)"

B. Standards and Criteria

1. In lieu of dedicating land, projects of 50 units or less which are **not** providing parks can pay a fee to the City equal to the value of the land prescribed for dedication. The amount of park land dedication or in-lieu fee must be consistent with the requirements contained in Chapter 17.28 of this code. For the land dedication to apply, the property must be deeded to the City for public park purposes. Not applicable to passive open space or landscape buffer areas deeded to a homeowners association. **(four points for projects of 50 units or less which are not providing parks)**

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
1.	Applicant agrees to pay a fee in lieu of dedicating land.	4	The project shall pay an in-lieu fee consistent with the requirements contained in Chapter 17.28 of the Municipal Code.	4
Sub total	Maximum points: 4	4	Maximum points: 4	4

2. Provides privately owned and maintained on-site recreational amenities which are of greater value and utility from the following list. Projects of 50 or less units will receive credit for a maximum of one amenity from the one point category list. Projects of more than 50 units will only receive credit for amenities provided from the two point or higher point category lists. Projects of more than 150 units must provide at least two amenities from the three or four point category lists. **(up to four points, up to eight points for multi-family rental projects)**

Points will also be awarded for any proposed amenity found by the Planning Commission to provide recreation or meet the needs of the project residents to a level similar to provided by the above. Point values in the chart below are based on 50 units or less in size. For projects of 51 to 100 units, divide the values below by two. For projects of 101-150, divide the point values below by three, etc.

ONE POINT AMENITIES
Shuffleboard
Horseshoes
Bowling green w/artificial turf
Passive recreation area and/or gardens
Passive water feature (e.g. fountain)
Picnic/barbeque area
TWO POINT AMENITIES

Cabana or shade trellis area Two picnic/barbeque areas Clubhouse Kitchen/Dining Area Volleyball court and/or Bocce Ball court Outdoor racquetball/handball tilt-up wall Dog Park (add one point more with dog wash station) Sauna and/or Jacuzzi Tree grove as approved by the Community Development Director or designated staff Community garden plots (minimum one 48 square foot plot per each 10 dwelling units) with water service 1/2 court basketball (one hoop) Bridle paths Bocce Ball Artificial Turf Putting green
THREE POINT AMENITIES
Softball field Sports court and/or basketball court (2 hoops) Restroom area 1/2 scale soccer field Tot lots (age appropriate play equipment/minimum 3 activities; can be integrated in structure) Jacuzzi and separate child wading pool (for projects 20-49 units zoned R-2,R-3 or higher density) Tennis court Recreation Hall Exercise room
FOUR POINT AMENITIES
Swimming Pool (for projects of 50 or more units zoned R-2, R-3, or higher density development)

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
2.	NA		N/A	0
Sub total	Maximum points: 8	0	Maximum points: 8	0

3. Provides Class I bicycle pathways or equestrian trails along the project frontage, or provides pedestrian paths consistent with the City's Trails Master Plan or Downtown Plan in accordance with the overall community-wide and/or county-wide bicycle master plans. In areas where a Class I bike lane is not required, the project provides necessary street improvements and striping for Class II bike lanes. The project must provide at least one quarter mile of Class II bike lane improvements for each 10 dwelling units within the project. **(one point)**

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
3.	Will provide Class II bike lanes. The developer agrees to provide one-quarter mile of Class II bike lane improvements for every 10 units.	1	Project shall provide at least .15 miles of Class II bike lanes. Prior to installation, the Project shall coordinate with City of Morgan Hill to determine the location for the Class II bike lane improvements to be installed	1
Sub total	Maximum points: 1	1	Maximum points: 1	1

4. Projects located in the Downtown Area may be awarded up to one point based on the following criteria:

The project provides ground floor mid-block pedestrian connections through large buildings that provide access to public or private open space areas and plazas. For the criterion to apply, the pedestrian connection must be continuous and unrestricted during business hours. **(one point)**

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
4.	NA		N/A	0
Sub total	Maximum points: 1	0	Maximum points: 1	0

5. For projects of more than 150 units, provides an improved on-site public neighborhood park at a location accessible from an adjacent public street or provides an off-site public neighborhood park at a location approved by the City, with a written agreement prior to the competition that the City will accept the dedication offer and the amenities (park improvements). (4 points.) Projects will receive three points for land only dedications with fees equal to the improvement cost for future park improvements by the City. (3 points)

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
5.	NA		N/A	0
Sub total	Maximum points: 4	0	Maximum points: 4	0

6. In addition to payment of standard park fees, applicant will pay the lesser of double the required in-lieu park fees or \$1,100 per point up to \$3,300 per unit (up to **three points**) or

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
6.	NA		N/A	0
Sub total	Maximum points: 3	0	Maximum points: 3	0

7. Applicant (projects of 50 units or less who do not provide a park) will pay the lesser of triple the required in lieu park fees or \$1,100 per point up to \$6,600 per unit (**up to six points**)

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
7.	In addition to paying the standard park fees the applicant will pay the lesser of double the required in-lieu park fees of \$4400 per unit for 4 points to satisfy this criteria	4	In addition to standard park fees, project shall pay the lesser of either twelve times the in-lieu park fees or \$4,400 per unit.	4
Sub total	Maximum points: 6	4	Maximum points: 6	4

8. For projects of less than 150 units, or projects greater than 150 units where the City does not accept the written dedication offer under criterion B5 above, public or private parks provided by the project exceed the dedicated land requirements stated in Chapter 17.28 of the Morgan Hill Municipal Code (**one point** if exceeds the requirements by 20%, **two points** if exceeds the requirements by 30%, **3 points** if exceeds by 40%, or **4 points** if exceeds by 50%). For the purposes of this provision, the calculation of the amount of dedicated land shall not include yards, court areas, setbacks and other open areas required to be maintained by the zoning and building ordinances. The proposed open space shall be in substantial accordance with the provisions of the recreational element of the General Plan and shall be a minimum of two acres and provide a minimum of four of the local park basic elements provided in Chapter 17.28.130, or a combination of such and other recreational improvements that will meet the specific recreational park needs of the future residents of the area.

NOTE: The number of recreational amenities required pursuant to Section 18.18.060 shall be based on the total number of dwelling units within the project, including secondary dwelling units as defined in Section 18.04.164 of the City of Morgan Hill Municipal Code.

Scoring for a multi-year/phased development includes recognition of all recreational amenities provided in the initial or previous phases of development (amenities provided to date vis-à-vis project completed to date.) The phase of development must also be in compliance with the development schedule approved for the project.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
8.	NA		N/A	0
Sub total	Maximum points: 4	0	Maximum points: 4	0

Total Points Requested by the Applicant	Total Points Recommended by Staff
9	9
Minimum Score Applied To Micro Project	5

MAXIMUM POINTS: 10

18.78.260 Housing Needs.

- A. "Provisions of units to meet the City's need for low and moderate income and elderly housing and the extent to which such provision meets the goals of the housing element of the general plan, including the distribution of housing types to provide neighborhoods of ethnic and economic diversity.
(15 points)"

B. Standards and Criteria

1. The project provides 15 percent of the total dwelling units with secondary (granny) units. In lieu of secondary dwelling units, projects in a R-2 district provides a minimum of 10 percent and less than 25 percent of the overall units as single detached dwellings. **(two points)**

NOTE: To be counted as a secondary (granny) unit, the secondary dwelling unit must be constructed with complete, independent living accommodations including a full kitchen as defined in Section 18.04.237 of the Municipal Code.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
1.	Plan 3 [lots 5 and 6] will retain a secondary dwelling unit to conform to 18.04.237 of the Municipal code.	2	Applicant commits to 2 secondary dwelling units for 2 points.	2
Sub total	Maximum points: 2	2	Maximum points: 2	2

2. Standard Housing Fees

- a. The project will receive **six points** if it chooses to pay the standard housing fee computed at eight percent (8%) of the total project.

Applicant's Answers			Staff Comments	
2.	Comment	Pts	Comment	Pts
a.	Applicant agrees to pay the standard housing fee:	6	Applicant agrees to pay the standard housing fee:	6
	☒ Yes ☐ No		☒ Yes ☐ No	
Sub total	Maximum points: 6	6	Maximum points: 6	6

- b. In addition to points awarded under criterion 2a above, a Micro, Small, or any project having all lots in excess of 20,000 square feet, will receive **six points** if it chooses to pay double the standard housing fee computed at 8% of the total project (including replacement units). [8% of overall project units times the standard housing mitigation fee amount equals the total fee amount, e.g. 8% of 60 units = 4.8 x \$150,000 = \$720,000. Example only – the standard housing fee is the amount in effect for the competition.]

Applicant's Answers			Staff Comments	
2.	Comment	Pts	Comment	Pts
b.	Applicant agrees to pay double the standard housing fee per stated requirements.	6	Applicant agrees to pay double the standard housing fee.	6
Sub total	Maximum points: 6	6	Maximum points: 6	6

- c. A project not receiving six points under criterion 2a or 2b above may also be awarded **13 points** where all lots in the proposed development are 12,000 square feet and above in size, the developer commits to pay double the standard housing fee, and provides a minimum of 20 percent of the overall dwellings with secondary dwelling units.

Applicant's Answers			Staff Comments	
2.	Comment	Pts	Comment	Pts
c.	NA		N/A	0
Sub total	Maximum points: 13	0	Maximum points: 13	0

3. Affordable Units for Sale or Rent:

- a. Projects are also eligible to receive points in this category based on the percent and level of affordability of below market rate units built within the project. When in the process of determining the number of below market rate units required, there occurs a fraction of a unit, any fraction less than .5 shall be paid as a corresponding fraction or percentage of the per unit cost of the standard housing fee. In phased developments, developer may carry the fractional share forward into succeeding phases until the fraction reaches .5 or higher. Any fraction of .5 or greater shall be deemed a requirement for one additional below market rate unit. The developer, however, may continue to carry the partial credit forward into the next phase(s) of the overall development. Refer to the following charts to compute points.

NOTE: For projects that commit to provide a certain percentage of total units as affordable Below Market Rate units, any fractions equal to or greater than 0.5 shall be rounded up to the next whole number. Additionally, whenever the project's individual commitment of low and median/moderate income units combines to equal 0.5 or greater, the project shall be required to provide one additional median income unit in the final phase of the development.

MARKET RATE FOR SALE COMPETITION

Percentage of Median/Moderate Income (of appropriate household size) for Sales Price Determination					
Price Determination*					
Points	Commitment	R-3	R-2	R-1 7,000	R-1 9,000 & above lot size
(a)	4% Low	70%	73%	76%	80%
13 points	4% Med**	90%	100%	110%	120%
(b)	6% Low	70%	73%	76%	80%
14 points	2% Med**	90%	100%	110%	120%
(c)	8% Low	65%	70%	75%	80%
15 points					

BMR sales price determination is based on median income and household size. All BMR units, including Moderate BMRs are deed restricted. Final BMR sales price is based on verification of property zoning and housing types.

**In lieu of constructing the median income BMR(s) projects receiving allocations for Fiscal Year 2013-14 can pay an in lieu fee for median income units required to be constructed in the project phase utilizing the FY 2013-14 allocations.

AFFORDABLE FOR SALE COMPETITION

Percent of Dwelling Units by Income Category for the affordable housing share within the Affordable Housing Competition			
Points	Low Income	Median Income	Moderate Income
15	40%	30%	30%
11	15%	45%	40%
7		50%	50%

For projects that commit to provide a low and median income affordable commitment, in the final phase, where the fractional share of the low and median income units combine to equal .5 or above, the project shall be required to provide one additional median income unit as fulfillment of the project's overall affordable housing commitment.

MARKET RATE UNITS FOR RENT

Points	Percent of BMR Units Extremely Low	Percent of BMR Units - Very Low Income	Percent of BMR Units - Low Income
15	2%	6%	0
11	0	4%	4%
7	0	0	8%

AFFORDABLE COMPETITION UNITS FOR RENT

Applicable to non-profit agency sponsored projects. (Does not include up to 25% market rate rental share)

Points	Percent of Affordable Units Extremely Low	Percent of Affordable Units Very Low Income	Percent of Affordable Units Low Income
15	8%	50%	40%
11	4%	40%	55%
7	0	30%	70%

Applicable to non-profit agency sponsored projects. (Does not include up to 25% market rate rental share)

NOTE: In your answer below state the type(s) of project (Sale, Rental, Market Rate, Affordable, etc) and the specific rate of BMRs the project is committing to.

Applicant's Answers			Staff Comments	
3.	Comment	Pts	Comment	Pts
a.	NA		N/A	0
Sub total	Maximum points: 15	0	Maximum points: 15	0

b. In lieu of BMR commitment, a Downtown Area project may be awarded points for overall housing affordability as follows:

- i. 100% of the units are affordable to less than moderate income households **(8 points)**, OR
- ii. 75% of the units are affordable to less than moderate income households and 25% of the units are affordable to less than median income households. **(10 points)**

Applicant's Answers			Staff Comments	
3.b.	Comment	Pts	Comment	Pts
i.	100% of the units are affordable to less than moderate income households: ☐ Yes ☐ No		100% of the units are affordable to less than moderate income households: ☐ Yes ☐ No	0
ii.	75% of the units are affordable to less than moderate income households and 25% of the units are affordable to less than median income households: ☐ Yes ☐ No		75% of the units are affordable to less than moderate income households and 25% of the units are affordable to less than median income households: ☐ Yes ☐ No	0
Sub total	Maximum points: 10	0	Maximum points: 10	0

c. In lieu of BMR commitment, a large multi-family rental project (> 150 units) may be awarded eight points for overall housing affordability if at least ten percent of the units are affordable to median income households. **(8 points)**

Applicant's Answers			Staff Comments	
3.	Comment	Pts	Comment	Pts
c.	NOT APPLICABLE		NOT APPLICABLE	0
Sub total	Maximum points: 8	0	Maximum points: 8	0

4. A project may also be awarded 13 points if at least 8 percent of the dwellings are affordable at below market rates and the BMR units are constructed in a joint venture with a non-profit builder. The following criteria shall apply to the joint venture development:
- A letter of intent signed by both parties must be included with the RDCS application.
 - The homes are to be built by the non-profit agency through a self help building program or other applicable program approved by the City.
 - The project must provide an area for a minimum of 8 BMR units as part of the joint venture agreement. If 10 percent of the project is less than 8 dwelling units, allocations above 10 percent of the project may be drawn from the affordable allotment set-aside if available, to achieve the 8 unit minimum.
 - The price range and target income of the buyers shall be determined and approved by the City and non-profit agency prior to the RDCS application.
 - The site and architectural plans for the affordable units shall be shown on the plans and shall be considered part of the market rate application.

NOTE: If the applicant and non-profit agency are unable to obtain the necessary funding, allotments, or encounter other obstacles and are unable to produce the affordable housing through the joint venture agreement; then the applicant will be required to choose one of the other options to achieve the **13 points** under criteria B4 in this category. Any unused affordable building allotment transfer shall be returned to the affordable allotment set-aside category.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
4.	At least 8% of the dwellings are affordable at below market rates and the BMR units are constructed in a joint venture that is consistent with the criteria above:		At least 8% of the dwellings are affordable at below market rates and the BMR units are constructed in a joint venture that is consistent with the criteria above:	0
	☐ Yes ☐ No		☐ Yes ☐ No	
Sub total	Maximum points: 13	0	Maximum points: 13	0

5. For multi-family rental projects, a project providing fifty percent of the units with an enclosed garage will receive **one point**. A project providing seventy five percent of the units with an enclosed garage will receive **two points**. A project providing seventy five percent of the units with an enclosed garage that is directly accessible to the living unit will receive **three points**. Property management shall require that on-site parking occurs within the garages and that garages are not utilized solely for storage purposes.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
5.			N/A	0
Sub total	Maximum points: 3	0	Maximum points: 3	0

Total Points Requested by the Applicant		Total Points Recommended by Staff	
14		14	
Minimum Score Applied To Micro Project		8	

MAXIMUM POINTS: 15

18.78.280 Quality of Construction Standards

- A. "Architectural design quality as indicated by the quality of construction and by the architectural elevations of the proposed buildings, judged in terms of architectural style, size, and height.
(15 points)"

B. Standards and Criteria

1. Over and above commitments made in the Natural and Environmental category, the proposed development will install the following:

(Check the box(es) next to the letter below for those items the project is committing to. The corresponding points will update automatically)

	Pts
☒ a. Installation of OSB/Plywood wrap. (three points)	3
☒ b. Foundations: 20% reduction of cement in the concrete mix design by use of fly ash, slag, silica fume or rice hull ash. (three points)	3
☒ c. Installation of light weight wallboard for all walls excluding code requirement for fire walls (two points)	2
☒ d. Installation of one dedicated ¾ inch electrical raceway for a future circuit to accommodate two 220 Volt electric car charging stations inside the garage. (two points)	2
☐ e. Installation of storm doors for exterior non-sliding doors that lead into habitable space. (two points)	
☒ f. Installation of 90% high efficiency fan forced heating. (two points)	2
☒ g. Zoned heating and air conditioning for all one and two-story homes. For multi-family projects with multi-story units, air returns are installed on two floors to improve temperature distribution. (two points)	2
☒ h. The proposed development will provide all the following (two points) 1. Listed sound attenuated materials in walls that adjoin a bathroom and/or bedroom walls; 2. Installation of high efficiency energy star water heater with energy factor of 0.70; 3. Installation of ultra high efficiency or dual flush toilet; and 4. Installation of rain sensor monitor on irrigation system.	2

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
1.	See above	16	The project commits to B. 1-A, B, C,D, F, G, H for a total of 16 points. The project will be awarded a maximum of 15 points in this category.	16
Sub total	Maximum points: 15	15	Maximum points: 15	15

Total Points Requested by the Applicant		Total Points Recommended by Staff	
15		15	
Minimum Score Applied To Micro Project		8	

MAXIMUM POINTS: 15

18.78.310 Safety and Security

- A. "Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the individual structures.
.....(10 points)"
- B. Standards and Criteria
1. Enhances safety and security as follows:
- Install a fire proof safe that is bolted to the floor or in another suitable location. **(one point)**
 - Provides a first aid kit with a poison control document to be installed in the kitchen area of the home. **(1/2 point)**
 - Any other fire protection device or construction technique approved by the fire chief not already required according to the California Fire Code. **(1/2 point)**
 - Provide outdoor lighting on all units/buildings to meet all police department specifications. Outdoor lighting is required by the California Electric Code, CEC and further defined in Chapter 18 of the MHMC. To enhance security, a motion detection light that meets all police department specifications shall be installed in the back side of each unit. **(1/2 point)**
 - For multi-family projects, pedestrian scaled lighting should be located along walkways and common areas. Lighting bollards should not be used. **(1/2 point)**
 - Install illuminated address numbers for each unit and painted reflective curb numbers where possible. **(one point)**
- NOTE:** Application must stipulate that the reflective painted curb addresses will be maintained by a homeowners association. A small or micro project will receive **one point** without the requirement for painted curb addresses.
- Any other intrusion protection device or construction technique communicated to and approved by the Police Department to increase safety and security. **(1/2 point)**
 - All large usable common areas and parks will be provided with on-site (or modified electrolier) lighting to a minimum 1.5 foot candles. **(two points)**
 - For multi-family projects, long-term enclosed and covered bicycle parking, including bicycle lockers or enclosed garages will be provided at a ratio of 10% of the required parking for residential units (guest parking included) for at least fifty percent of all second story units (multi-family projects only). **(two points)**
 - Project will install security cameras to monitor all common areas such as laundry rooms, parking areas, recreation halls or similar areas. Camera system should be connected to a DVR with the ability to maintain recordings for a minimum of seven days. **(one point)**
 - All pathways and pedestrian walkways will be illuminated with a minimum of one (1) foot candle to ensure safe nighttime conditions. **(one point)**

Applicant's Answers			Staff Comments	
1.	Comment	Pts	Comment	Pts
a.	Will provide to conform	1	Project will install a fireproof safe in each unit.	1
b.	Applicant will provide a first aid kit with poison control document in the kitchen of each unit.	0.5	Project will provide a first aid kit with poison control document in the kitchen of each unit.	0.5
c.	NA		NA	0
d.	Applicant commits to providing outdoor lighting on buildings in conformity with police department specifications to fully conform to this criteria. A motion detector light will be installed per the criteria to each unit.	0.5	Applicant commits to providing lighting on all buildings that meet Police Department specifications, California Electrical Code and MHMC. Applicant will install motion detector light on each unit.	0.5
e.	NA		NA	0
f.	Applicant commits to providing lighted numbers on each individual building with unit numbers illuminated as well as painted reflective curb numbers where possible.	1	Applicant commits to installing lighted address numbers on each building and illuminated unit numbers on each dwelling unit. Applicant commits to installing painted reflective curb numbers where possible.	1

g.	NA		NA	0
h.	NA		NA	0
i.	NA		NA	0
j.	NA		NA	0
k.	Applicant will provide front yard sidewalk lighting to street and rear yard lighting with motion sensors.	1	NA	0
Sub total	Maximum points: 10.5	4	Maximum points: 10.5	3

2. For single-family projects, the following principles of Crime Prevention through Environmental Design (CPTED) will be incorporated in the development design **(one point)**:
- Natural Surveillance – the concept of “eyes on the street” which promotes features that maximize the visibility of people, parking and entrances
 - Territorial Reinforcement – the concept which promotes features such as landscape plantings, paving designs, and gateway treatments that define property lines and distinguish private space from public space
 - Natural Access Control – this concept promotes natural access control by designing streets, walkways and entrances to clearly indicate public routes and discourage access to private areas

For multi-family projects the following CPTED principles will be incorporated in the development design **(one point)**:

- Windows and entries should be placed to natural surveillance of the site. Site lines from dwelling units to the parking area(s) should be provided
- Open spaces, courtyards, circulation corridors and individual dwelling unit entrances should be designed to be visible from as many dwelling units as possible. Enclosure of private open space should not prevent common open space surveillance by residents.
- If management office is located on site, the office should be centrally located in a visible location. Community and/or meeting rooms and other amenities should also be located in close proximity to other heavily used areas.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
2.	The principles of Crime Prevention through Environmental Design (CPTED) will be incorporated in the development design	1	Applicant commits to utilizing the design principles of CPTED of natural surveillance, territorial reinforcement per A, and B above for each dwelling unit.	1
Sub total	Maximum points: 1	1	Maximum points: 1	1

3. Lockable hardware on all side yard or patio gates **(1/2 point)**

NOTE: Gas and electric metering equipment must be located in front of lockable yards or outside of patio or gated areas.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
3.	Lockable hardware on all side yard or patio gates will be provided on all units	0.5	Applicant commits to installing lockable hardware on all side yard and patio gates.	0.5
Sub total	Maximum points: 0.5	0.5	Maximum points: 0.5	0.5

4. Installation of an intrusion, fire alarm and heat detector system, monitored by a central station, or to include auto dialer which meets City ordinance. For multi-family projects, points will be awarded for a fire alarm system without central monitoring and NO intrusion system (**two points; three points** when the developer includes a one-year monitoring contract with the home purchase and commits to deliver to the homeowner a City specific responsible listing card that the City Police Department can keep on file.)

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
4.	Installation of an intrusion, fire alarm and heat detector system, monitored by a central station, or to include auto dialer which meets City ordinance will be provided. Developer agrees to provide a one year monitoring contract per stated requirements.	3	Project will install an intrusion, fire alarm, and heat detector system, monitored by a central station. Project will provide a one year monitoring contract with the purchase of each unit.	3
Sub total	Maximum points: 3	3	Maximum points: 3	3

5. Neighborhood Emergency Preparedness Program administered through a homeowners association or central property management. Emergency Preparedness Program shall be instituted within 180 days of the first homeowners taking occupancy. Within 180 days, the homeowner association shall contact the Morgan Hill Office of Emergency Services to schedule a resident meeting to assist community/neighborhood development of an emergency preparedness program. (**one point**)

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
5.	NA		NA	0
Sub total	Maximum points: 1	0	Maximum points: 1	0

6. The developer shall include provisions in the Covenants, Conditions and Restrictions (CC&R's) of the homeowners association which directs a Board representative to the City of Morgan Hill Police Department's Community Service Officer to enact a neighborhood watch program to be established as part of the first phase of the development. Neighborhood watch program shall be established within 120 days of the first five homeowners taking occupancy. For rental projects, neighborhood watch programs shall be administered through a central property management company. Neighborhood watch program for rental projects shall be established 90 days from issuance of Certificate of Occupancy. (**one point, criterion does not apply to Small or Micro projects**)

NOTE: Proposed developments must be assigned a minimum passing score of **five points** under this category in order to qualify for allotments.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
6.	NA		NA	0
Sub total	Maximum points: 1	0	Maximum points: 1	0

Total Points Requested by the Applicant	Total Points Recommended by Staff
8.5	7.5
Minimum Score Applied To Micro Project	5

MAXIMUM POINTS: 10

15.78.335 Livable Communities

- A. The extent to which the proposed development exhibits overall project excellence and/or incorporates or otherwise embodies the concept of Livable Communities, such as proximity to transit, pedestrian orientation, efficiency of street system, mixed use, infill and maximization of use of existing infrastructure.

.....(10 points)"

- B. Standard and Criteria:

1. Proposed project phase(s) are subjectively judged by the Planning Commission to be superior with respect to overall project excellence. **(two points when awarded by a super majority of the voting members, or one point when awarded by a majority of the voting members of the Planning Commission) The Planning Commission will be reviewing and considering the design component of the project.**

NOTE: The determination of project excellence will include input from the Building and Planning Divisions and the Public Works Department regarding the performance of the developer during any previous building permit processes. The timeliness and accuracy of the application submittal by the developer for any previous project will be an important consideration. Negative performance factors include more than two plan checks and/or projects which submit for building permits prior to ARB approval and prior to application for Final Map approval. No recommendation will be provided for developers or applicants who have not previously built in the City.

City staff may award up to two points under this criterion when it is determined that project changes proposed as part of the City's entitlement process will improve the overall project excellence.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
1.	NA		The Planning Commission will award this point.	
Sub total	Maximum points: 2	0	Maximum points: 2	0

2. Encourages the use of public transportation:

- a. In residential areas by constructing bus shelters, benches, reinforced street sections or bus pullout areas and these improvements are located on an approved or planned Valley Transportation Agency (VTA) transit route and accepted by the VTA for maintenance. A letter from the VTA shall be submitted confirming VTA's acceptance and maintenance of the proposed bus stop. For planned bus routes, the VTA letter shall provide confirmation of the future bus route extension. This criterion may apply to a bus stop constructed in the initial or previous phase that would serve subsequent phases of the same development. **(up to two points)**
- b. In residential areas by constructing school bus bench and shelter within common area maintained by an HOA at a location approved by the MHUSD. A letter from the MHUSD shall be submitted confirming acceptance of location. If the bench and shelter are constructed within common area of adjoining development a letter from the HOA accepting maintenance shall be submitted at time of application. This criterion may apply to a school bus bench and shelter constructed in the initial or previous phase that would serve subsequent phases of the same development. **(one point)**

Applicant's Answers			Staff Comments	
2	Comment	Pts	Comment	Pts
a.			N/A	0
b.			N/A	0
Sub total	Maximum points: 3	0	Maximum points: 3	0

3. Project is located within a quarter mile walking distance of the bus stop or other transit facility (the W. Main/Hale Park & Ride Facility, Caltrain Station, regional or community transit lines). **(two points; one point if the project is within ½ mile walking distance of the above bus stop or transit facilities)**

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
3.	Project is located within 1/2 mile walking distance of the route 68 transit line.	2	Project is within 1/2 mile of a bus stop along Cochrane Road.	1
Sub total	Maximum points: 2	2	Maximum points: 2	1

4. Project is designed as “vertical mixed use” with retail/commercial on the ground level and residential above. Larger mixed use projects that combine commercial and residential uses will receive **maximum points** in this category only to the extent that the residential and commercial uses are well integrated with each other, sufficient pedestrian connections between uses exist and parking lots are minimized from the public view. **(up to two points)**

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
4.	NA		N/A	0
Sub total	Maximum points: 2	0	Maximum points: 2	0

5. Builds to planned densities. Downtown Area projects that build in the upper one third of the allowable density range will be awarded **(two points)**. Projects that build to the upper 15 percent of the density range will be awarded **(three points)**.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
5.	NA		N/A	0
Sub total	Maximum point: 3	0	Maximum point: 3	0

6. Provides architectural variation and differentiation by providing the following (all criteria must be met to receive points) **(three points)**:
- a. Uses porches, balconies, for any area viewed from the public right-of-way or multi-unit courtyards interior to the project on at least 25% of units to promote a neighborhood feel.
 - b. Uses at least two different roof lines and two different pitches throughout the project, i.e. gable, hipped, dormers, Mansard, etc.
 - c. Uses architecture and profiles and massing that are compatible and works with the existing surrounding neighborhoods. Applicable only where a project adjoins an existing neighborhood on at least one side or twenty-five percent of the project's frontage.
 - d. Provides a consistent level of architectural relief and detailing on all four building elevations. Where two-story rear and/or side-yard building elevations occur, architectural relief shall include some third dimensional design element such as bay windows, balconies, covered porches, decorative trellis, etc. In addition, each standard trim and base color must represent no more than 15% (project size permitting) of the project.

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
6.	Applicant will provide porches, two different roof lines, architectural profiles and massing and consistent architectural relief and detailing per stated requirements.	3	The project meets this criteria.	3
Sub total	Maximum points: 3	3	Maximum points: 3	3

7. Uses design and layout techniques that give individuals maximum privacy within and outside the homes. Such techniques include the off set of windows between units, alternating outdoor patio areas and entrance and consideration of fence height in relation to grade changes. **(one point)**

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
7.	Windows on sides will alternate. Noise producing elements [i.e.air conditioners] are located away from the property lines.	1	The project meets this criteria.	1
Sub total	Maximum points: 1	1	Maximum points: 1	1

8. For multi-family projects all units have washer and dryers for convenience and safety of residents. **(three points)**

Applicant's Answers			Staff Comments	
	Comment	Pts	Comment	Pts
8.	NA		N/A	0
Sub total	Maximum points: 3	0	Maximum points: 3	0

Total Points Requested by the Applicant	Total Points Recommended by Staff
6	5
Minimum Score Applied To Micro Project	5

MAXIMUM POINTS: 10

File Number:

RDCS2016-0008 Monterey-Vo

Scoring Summary for Non-Micro Project Competition Points Requested

CATEGORY	MAXIMUM POSSIBLE SCORE	APPLICANT'S POINT REQUEST	STAFF'S POINT RECOMMENDATION	PLANNING COMMISSION CHANGES	FINAL SCORE
Schools	25	25	25		25
Open Space	20	13	13		13
Orderly and Contiguous	20	15	13		13
Public Facilities	10	10	9		9
Parks and Paths	10	9	9		9
Housing Needs	15	14	14		14
Housing Types*	15	12	12		12
Quality of Construction	15	15	15		15
Lot Layout and Orientation*	15	9	9		9
Circulation Efficiency*	15	8	8		8
Safety and Security	10	8.5	7.5		7.5
Landscaping*	10	7	7		7
Natural and Environmental*	10	7	7		7
Livable Communities	10	6	5		5
GRAND TOTAL	200	158.5	153.5	0	153.5

Note: Categories marked with an "*" automatically receive the points shown.

Micro projects must score a minimum of 150 points in order to be considered eligible to receive allotments. A Project is assigned 109 points and can receive additional points in the bolded categories only. In the event that two or more projects receives an equal number of points, the Planning Commission shall rank each project receiving a tie score to determine which projects are eligible to receive building allotments.

ESTIMATED COSTS FOR RDCS COMMITMENTS

The estimated costs below are based on a limited number of RDCS criteria which stipulate a minimum cost/value of improvements committed to by the project. This does not include all fees (impact, in-lieu, or other) to be collected at time of development or any other required public improvement associated with the project. This page is for reference purposes only of certain criteria, is not to be used as a substitute for the commitments the project has made throughout other sections of the Project Narrative, and will not be used in determining points awarded to the project.

Criteria	Commitment	Estimated Cost (Per Unit)
SCHOOLS		
3	Provides off-site pedestrian safety improvements or traffic safety improvements	\$4,950
PUBLIC FACILITIES		
2f	Provides public facility, off-site storm drainage improvements or pedestrian improvements from a City-approved list or improvements on or adjacent to the project in excess of standard requirement	\$4,400
2g	RDCS Capital Improvement Program Fund	\$1,100
PARKS AND PATHS		
6	Lesser of double the required in-lieu park fees or \$1,100 per point	None
7	Projects of 50 units or less who do not provide a park will pay the lesser of triple the required in lieu park fees or \$1,100 per point	\$4,400
HOUSING NEEDS		
2a	Standard housing fees	\$12,000
2b	Double the standard housing fees	\$24,000
2c	Double the standard housing fees	None
TOTAL		\$14,850

MEMORANDUM

February 27, 2019

From: Akoni Danielsen, Principal PM
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San José, CA 95126

To: Joey Dinh, Associate Planner
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Re: Qualification of Monterey-Kelly Vo Residential Subdivision for CEQA Categorical Exemption

INTRODUCTION TO CATEGORICAL EXEMPTIONS

The California Environmental Quality Act (CEQA) Guidelines contain classes (or categories) of projects that have generally been determined not to have a significant effect on the environment, and are therefore exempt from the provisions of CEQA. CEQA Guidelines Sections 15301 – 15333 constitute the list of categorically exempt projects and contain specific criteria that must be met in order for a project to be found exempt. Additionally, CEQA Guidelines Section 15300.2 includes a list of exceptions to exemptions, none of which may apply to a project in order for it to qualify for a categorical exemption, i.e. if an exception applies, a project is precluded from being found categorically exempt.

CEQA Guidelines Section 15332 – In-Fill Development Projects sets forth criteria for projects characterized as in-fill development that may be found categorically exempt. The analysis below shows that: a) none of the exceptions contained in 15300.2 apply to the project, and, b) the project is consistent with the in-fill criteria in Section 15332. We conclude that the project proposed for Monterey Kelly-Vo can be found categorically exempt from CEQA under Guidelines Section 15332.

PROJECT DESCRIPTION

Existing Setting and Surrounding Land Uses

The 1.13-acre project site is located at the west side of Old Monterey Road, between Campoli Drive and Mustard Avenue in Morgan Hill. There is currently a single-family residence on site (18755 Old Monterey Road). The site is bounded by Old Monterey Road to the northeast, Mustard Avenue to the north, single-family residences to the west, and Campoli Drive to the south. The site is within a single-family residential area of Morgan Hill.

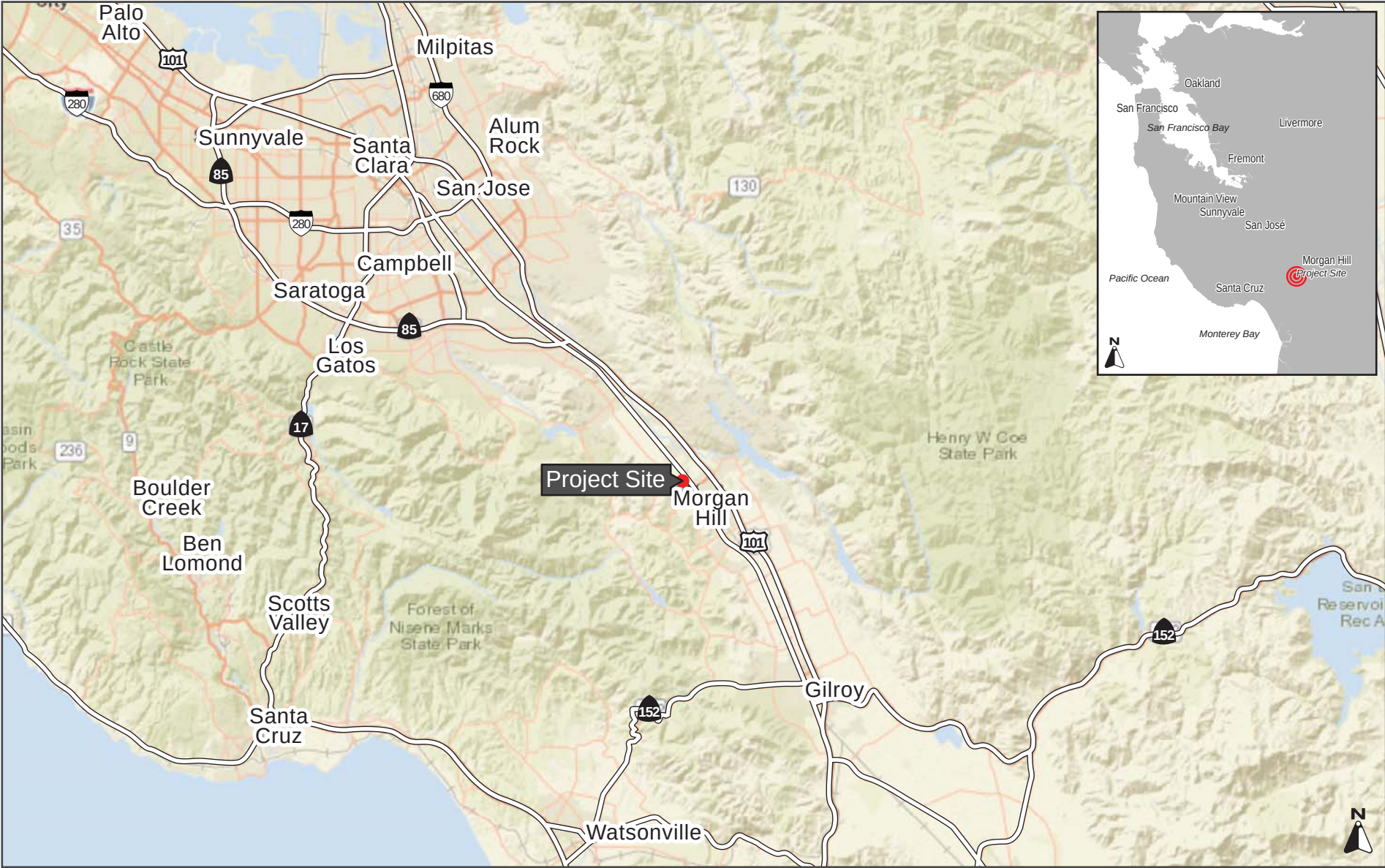
Figures 1, 2, and 3 contain Regional, Vicinity, and Aerial maps of the project site and surrounding land uses, respectively.

Proposed Project

The project proposes to subdivide the 1.13-acre parcel to construct five (5) new single-family residences. There is an existing historic single-family residence on the northern corner where Mustard Avenue and Old Monterey Road intersect. The existing historic residence is the subject of a Historical and Architectural Evaluation (see Appendix A) prepared for the project and is further discussed in Section I of this memorandum. The remainder of the site is undeveloped with mature orchard trees throughout the property. As described in Section II, the project site is designed *Residential Detached Medium* in the City of Morgan Hill's General Plan and is zoned Residential Detached Medium 7,000 (RDM 7,000) *District*.

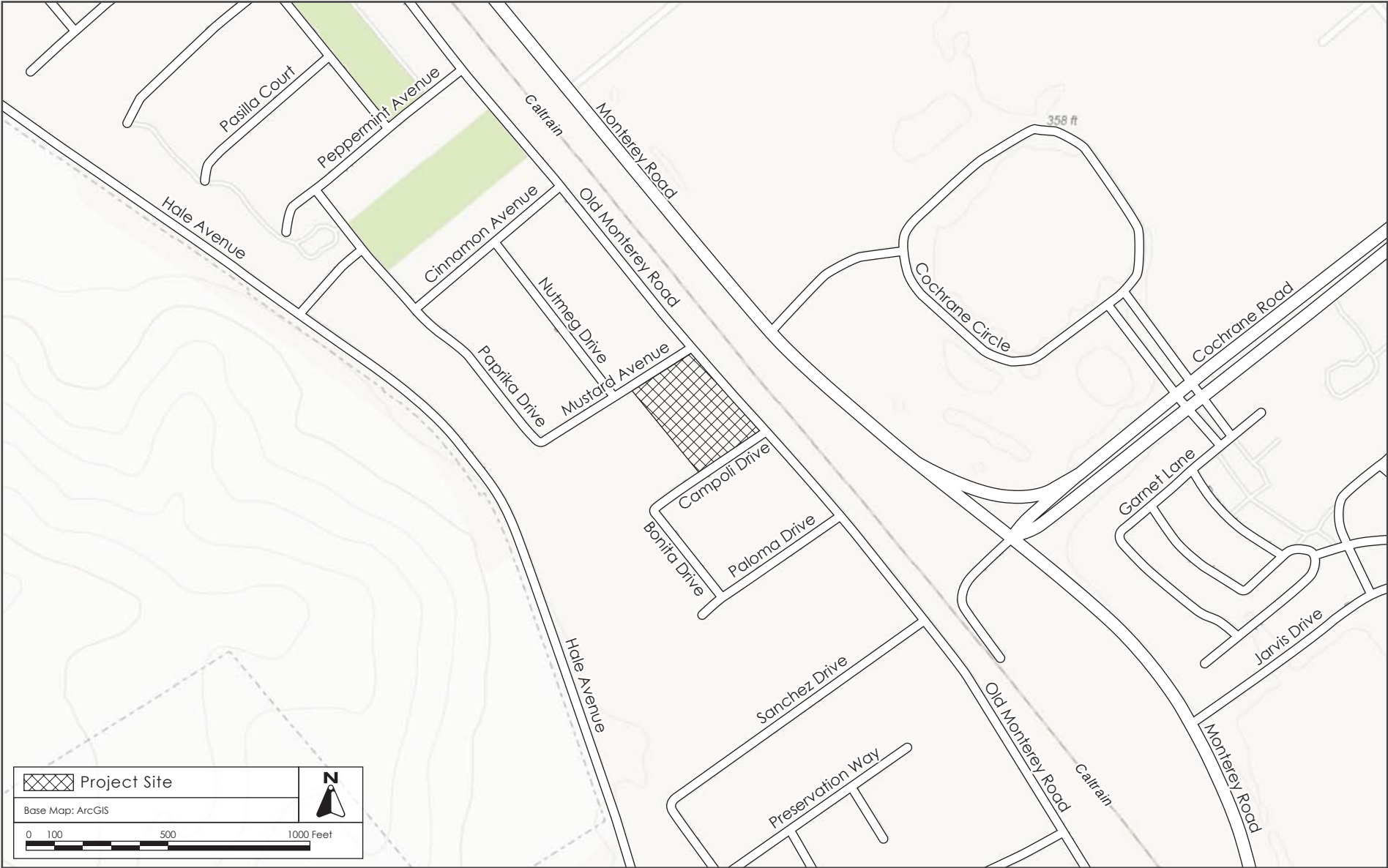
The existing single-family residence on-site would be retained with the proposed project. A new driveway and garage would be constructed on the existing single-family residential lot. The five single-family residential lots would be approximately 7,560 square feet (Lot 1), 7,182 sf (Lot 2), 7,175 sf (Lot 3), 7,860 sf (Lot 4 containing the existing residence), 7,940 sf (Lot 5), and 7,780 sf (Lot 6). Each new residence would have a driveway connecting to either Mustard Avenue, Old Monterey Road, or Campoli Drive. The residences would be at maximum two-stories in height and would have between four and five bedrooms. Refer to Figure 4 for the project site plan.

Construction for the project would involve removal of trees and grading and excavation to accommodate the new residences and utility connection.



REGIONAL MAP	FIGURE 1
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Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



VICINITY MAP

FIGURE 2

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

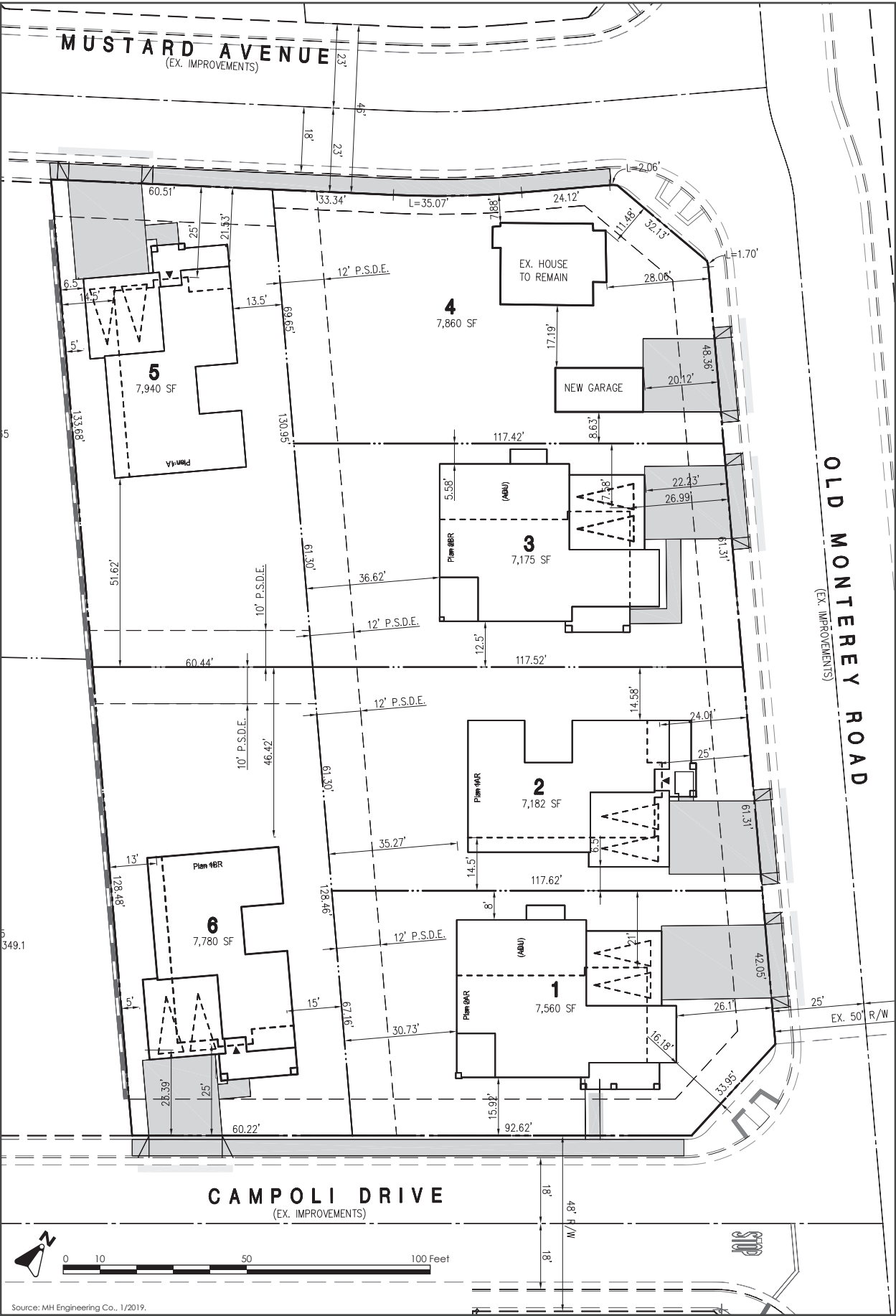


FIGURE 4

I. EXCEPTIONS TO CATEGORICAL EXEMPTIONS

This section documents that none of the exceptions in CEQA Guidelines Section 15300.2 would disqualify the project from being found categorically exempt.

CEQA Guidelines Section 15300.2 – Exceptions

(a) Location: Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This exception only applies to Class 3, 4, 5, 6, and 11 exemptions. The proposed project is categorically exempt under Class 32, therefore the exception under CEQA Guidelines Section 15300.2(a) is inapplicable.

(b) Cumulative Impact: All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Greenhouse Gas Emissions

In its CEQA Air Quality Guidelines, the Bay Area Air Quality Management District (BAAQMD) developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If the size of the project is below the BAAQMD screening criteria, then the lead agency does not need to perform a detailed air quality assessment to compare the project's emissions to the BAAQMD significance thresholds. Global climate change is by its very nature a cumulative impact.

The project is below the BAAQMD CEQA screening size for operational greenhouse gas emissions of 56 dwelling units the single-family land use type for projects that exist prior to 2021 and are subject to the state's AB32 targets for 2020, and below the interpolated 40% lower 33-unit screening size for projects that exist after 2020 that are subject to the state's 2030 GHG thresholds set by SB 32, which are 40% below the 2020 statewide target. Similarly, the adjacent Campoli Residential Projects (North Campoli and South Campoli) constructed six single-family residential lots on a 2.04-acre parcel and 11 single-family residential lots on 2.35 acres, respectively. For both the North and South Campoli projects, the Initial Study/Mitigated Negative Declaration determined that the projects would have less than significant project operational and construction GHG emissions impacts.¹ The Campoli Residential Projects were also found to result in a less than significant cumulative GHG emissions impact. Given that the proposed Monterey Kelly-Vo project is smaller in number of units proposed and acreage than the Campoli Residential Projects, the proposed project would not have a project-level or cumulatively considerable GHG emissions impact whether constructed prior to, or after, 2020.

¹ City of Morgan Hill. *Initial Study - Campoli Residential Projects*. March 2013.

Regional Criteria Pollutants

Project construction and operations would generate regional criteria pollutants that would contribute to cumulative regional air quality impacts. BAAQMD has adopted thresholds for screening levels for land uses to indicate whether a project would contribute a significant cumulative regional air quality impact. The project would not exceed the operational criteria pollutant screening threshold of 325 dwelling units for NO_x, and the construction-related screening size threshold of 114 dwelling units for ROG. The project therefore, would not contribute to a significant cumulative impact to regional criteria pollutants.

(c) Significant Effect: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed project and project site do not contain any features that are unique or that would constitute 'unusual' circumstances for a residential subdivision in the San Francisco Bay Area. The single-family residences would be constructed to a similar height and mass as surrounding homes, and proposed lot sizes are also in keeping with surrounding development patterns.

There are no special-status species or sensitive habitats on the site that could be impacted by the project. The project site is disked land and does not contain unusual geologic or seismic characteristics that might create a hazard to future residents. The proposed project would not result in a significant effect on the environment, and there are no unusual circumstances related to the project or the project site that might cause significant effects.

(d) Scenic Highways: A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

There are no highways within the vicinity of the project site. Old Monterey Road, adjacent to the project site, is not considered a scenic highway. Monterey Road is also not a designated state scenic highway. The project does not involve the removal of trees that are designated as scenic resources. The proposed residences would be similar in height and mass to surrounding residences and would not obstruct views in the area.

(e) Hazardous Waste Sites: A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not included on any lists compiled pursuant to Section 65962.5 of the Government Code, therefore no exceptions to the exemption apply under 15300.2(e).²

² California Department of Toxic Substances Control. *Cortese List: Section 65962.5(a)*. October 6, 2011. Accessed November 25, 2013. Available at: <http://www.calepa.ca.gov/sitecleanup/corteselist/SectionA.htm>

(f) Historical Resources: A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

A Historical and Architectural Evaluation and Department of Parks & Recreation (DRP) forms were prepared by *Urban Programmers* to evaluate the historical significance of the single-family residence on-site, constructed circa 1875-1880. A copy of the evaluation is included as Appendix A of this memorandum. The results of the evaluation determined that the single-family residence is considered a historic resource, based on the following Cal Register criterion:

Criterion 3: Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

The single-family residence was found to embody the distinctive characteristics of the 1875-1880 time period by its design and construction and association with the former Madrone Station area of Morgan Hill. The evaluation noted the residence retains a high degree of original design and materials that are not often found in the Morgan Hill area.

The proposed project would retain the existing residence on-site in its current location, which was either the structure's original location or close to the original location. The feeling of the original setting in a small 1870s community associated with the Madrone Station area has since been lost with the removal of other historic buildings and the former orchards and farms were developed with housing subdivisions. The qualified historian evaluating the project found the proposed site plan for the five new single-family residences would not compromise the historic setting of the site since the historic setting has been lost with the surrounding modern residential development.

The project would construct a new detached garage and driveway extending from Old Monterey Road onto the parcel where the historic home is located. As currently proposed, the historic integrity of the historic residence would be retained in that the project would not alter/modify/rehabilitate the existing house. However, if such plans are proposed in the future, the proposed alteration would be reviewed by City staff as part of an alteration permit (per Morgan Hill Municipal Code Section 18.60.070), and for conformance with the Secretary of the Interior's Standards for Rehabilitation. The alteration permit would be required to comply with the applicable Secretary of the Interior's Standards for Rehabilitating Historic Buildings, as listed below:

Conditions of Approval:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

An Archaeological Literature Search for the adjacent Campoli Residential Project was prepared in July 2012 by *Holman & Associates* (see Appendix B). The results concluded that the Campoli site, adjacent to the proposed project site, would not likely uncover buried archaeological resources during project grading and excavation. Given the project site's proximity to the Campoli Residential project site, conditions on the subject site are expected to be similar, and it is unlikely that buried archaeological resources would be uncovered during project construction activities. Nevertheless, the project would adhere to the following standard measures to avoid impacts to unknown subsurface resources:

- Discovery of Archaeological Resources. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 100 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the find. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.
- Discovery of Human Remains. In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Conclusion

Based on the analysis above, none of the exceptions to categorical exemptions detailed in CEQA Guidelines Section 15300.2 apply to the proposed project.

II. INFILL CRITERIA

This section documents that the proposed project qualifies for a Class 32 In-Fill Development exemption because it meets the criteria set forth in CEQA Guidelines Section 15332(a) – 15332(e).

CEQA Guidelines Section 15332 – In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

General Plan

The project site is designated *Residential Detached Medium* in the Morgan Hill General Plan. The *Residential Detached Medium* designation is intended for detached homes on smaller lots, including courtyard homes, manufactured homes, and small-lot single-family homes. The designation provides a transition from non-residential areas to lower-density neighborhoods. *Residential Detached Medium* lands have a density allowances of up to seven units per acre.

Zoning

The project site is zoned *Residential Detached Medium 7,000 (RDM 7,000)*. The *RDM 7,000* district is intended to stabilize and protect the residential character of neighborhoods and to promote and encourage a suitable environment for family life. Permitted uses within the zoning district include: single-family detached dwellings; residential care facility-small; duplex or two single-family attached dwellings on corner lots; manufactured homes; small and large family day care homes; and secondary dwelling units. Structures on site are limited to a maximum height of two and one-half stories, or thirty feet, whichever is less.

Project Consistency

The project proposes to subdivide a 1.13-acre parcel into six single-family residential lots, consistent with the site's General Plan and zoning designations. The proposed residences would not exceed two and one-half stories in height (or 30 feet).

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is located within Morgan Hill city limits and is fewer than five acres in size. The project site is located west of Old Monterey Road and is surrounded by single-family residences to the north, south, and west.

(c) *The project site has no value as habitat for endangered, rare or threatened species.*

The project site is within a developed residential area of Morgan Hill. The site itself is disked land with one single-family residence. There is minimal plant life on-site, other than several existing trees.

Based on the Santa Clara Valley Habitat Agency's Habitat Plan Map, the project site has a landcover of *Rural Residential* (1.13 acres) and is within a Plan Survey Zone. The project would be required to prepare a Habitat Plan Application to pay applicable fees to the Habitat Agency commensurate with the level of project impact. Payment of applicable fees and compliance to related Conditions found within the Habitat Plan would reduce potential impacts to plant species on-site. The project site is not located within a Wildlife Survey Area, and therefore, would not impact potential special-status animal species.

The project site and surrounding area do not contain sensitive habitats or special-status species. Fisher Creek is over 400 feet west of the site, separated by intervening residential properties. There are 23 total trees onsite: 21 mature Black walnut trees, one Apricot tree, and one plum tree, grown out of an orchard root stock. The project proposes to remove 20 trees on-site. The project would replace trees removed on-site consistent with the City of Morgan Hill's Tree Removal ordinance

If construction of the proposed project occurs during the bird nesting season (February 1-August 31), construction activities have the potential to impact nesting birds that are protected under the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA and the California Fish and Wildlife Code, the proposed project shall implement the following standard measures, as conditions of approval to reduce or avoid construction-related impacts to nesting raptors and their nests:

- General construction activities and the removal of trees could impact nesting birds. To the extent practicable, vegetation removal shall be performed from September 1 through February 28 to avoid the general nesting period for birds. If tree removal cannot be performed during this period, preconstruction surveys for nesting birds shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of vegetation removal grading or other construction activities.
- If vegetation removal or other construction or operational activities are not started within 14 days of the survey, another survey shall be required. The survey area shall include all of the construction site and staging areas as well as areas within 150 feet of the project site. In the event that an active nest is discovered in the areas to be cleared and or developed or in habitats within 150 feet of the proposed activities vegetation removal and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged and the nest is vacated and there is no evidence of a second nesting attempt.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic

Based on data from the Institute for Transportation Engineers *Trip Generation Manual*, 10th Edition, 2017 for “Single-Family Detached Housing” (ITE land use code 210), the project would generate an average of approximately 50 trips per day, including 4 trips during the AM peak hour and 5 during the PM peak hour. Given the relative few number of trips generated by the project, project implementation would not result in significant traffic related impacts.

There are no bicycle or pedestrian facilities within the project vicinity, other than sidewalks. Project implementation, therefore, would not impact bicycle or pedestrian facilities.

The nearest public transit stop within walking distance of the site is Hale & Llagas, located just south of the Hale Avenue and Llagas Road intersection, approximately 0.7 miles southwest of the project site.

Noise

The following discussion is based, in part, on a Noise and Vibration Assessment prepared by *Illingworth & Rodkin, Inc.* in May 2012 for an adjacent residential development on Campoli Drive, west of the project site. The report is attached as Appendix C to this memorandum.

Future Exterior Noise Environment

The future noise environment at the project site would continue to primarily result from railroad train passbys on the Union Pacific Railroad (UPRR). Based on previous noise and vibration studies in the surrounding area, noise levels ranged from 70 to 72 dBA while vibration levels measured between 80 and 90 feet of the UPRR were below the Federal Transit Authority’s 75 VdB “occasional events” criteria for a general vibration assessment.³ The vibration levels were also below the FTA’s criteria for conducting a detailed vibration analysis.⁴

Future Interior Noise Environment

The City of Morgan Hill requires interior noise levels be maintained at 45 dBA CNEL or less for new residential housing units. Residences of the proposed project will require proper wall construction techniques, the selections of proper windows and doors, and the incorporation of a forced-air mechanical ventilation system to allow the occupant the option of controlling noise by closing the windows.

³ Illingworth & Rodkin, Inc. *South Campoli Drive Residential Project in Morgan Hill – Noise and Vibration Assessment*. May 3, 2012.

⁴ Ibid.

The project shall include the following design treatment measures with the proposed project:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for homes throughout the site, so that windows could be kept closed at the occupant's discretion to control interior noise and achieve the interior L_{max} and L_{dn} noise standards.
- Provide sound rated windows and doors to maintain interior noise levels at acceptable levels. Preliminary calculations made based on the data contained in the conceptual design plans indicate that sound-rated windows and doors with a sound transmission class rating of STC 38 to 43 would be sufficient to control maximum instantaneous noise levels to 50 dBA L_{max} in bedrooms, 55 dBA L_{max} in other habitable rooms, and to also achieve the 45 dBA L_{dn} interior noise standard. Additional treatments may include, but are not limited to, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible. Bedrooms should be located away from the UPRR.
- Confirm the final specifications for noise insulation treatments during final design of the project, based on the best available data regarding future usage assumptions for the UPRR. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.

The implementation of the above measures would reduce exterior and interior noise level to acceptable levels, consistent with City noise policies. As this is a case of the existing environment affecting the site, it is beyond the normal scope of CEQA, but is included as it pertains to the project's conformance with City policies.

Construction Noise

Construction of the Monterey-Kelly Vo project would expose nearby existing residences to construction noise which would temporarily elevate ambient noise levels at sensitive land uses in the vicinity. Although detailed schedules and phasing of construction activities are unknown at this time, construction activities on site would be limited to hours consistent with the City of Morgan Hill's Municipal Code. The City's Municipal Code limits activities between the hours of 7:00 AM and 8:00 PM., Monday through Friday, and between the hours of 9:00 AM and 6:00 PM on Saturdays. No construction activities should occur on Sundays or federal holidays (Section 8.28.040 of the Morgan Hill Municipal Code).

Typically, significant noise impacts do not result when standard construction noise control measures are enforced at the project site and when the duration of the noise generating construction period is limited to one construction season (typically one year) or less. Noise generated by grading, infrastructure improvements and the construction of residences would not be expected to result in noise levels exceeding 60 dBA L_{eq} and the ambient noise environment by 5 dBA L_{eq} for a period greater than one year

The following standard conditions are assumed to be included in the project:

- Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction

activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Implementation of the above measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures, and recognizing the duration of project construction activities, the substantial temporary increase in ambient noise levels would be less-than-significant.

Groundborne Vibration from Construction

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used, but would not expose persons to excessive groundborne vibration. Construction activities would include site preparation work, foundation work, and new building framing and finishing. The proposed project would not require pile driving, which can cause excessive vibration.

In areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and it would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (demolition and use of jackhammers and other high power tools). By use of administrative controls such as notifying adjacent residences of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with the least potential to affect these uses, perceptible vibration can be kept to a minimum and as such would not result in a significant impact with respect to perception.

Impacts to Nearby Sensitive Receptors

A noise increase is considered substantial if it increases the ambient noise level by three dB or more in sensitive noise areas. A three dB increase is generally equivalent to a doubling of traffic on local roadways. The project would add approximately 50 daily trips, which would not result in a doubling of traffic on local roadways. Therefore, the project would not result in a significant operational traffic noise increase.

Air Quality

The following discussion is based, in part, on a Toxic Air Contaminant (TAC) and PM_{2.5} analysis prepared by *Illingworth & Rodkin, Inc.* in April 2012 for an adjacent residential development on Campoli Drive, west of the project site. The TAC and PM_{2.5} analysis is attached as Appendix D to this memorandum.

The project proposes to subdivide the project site and construct five single-family residences, which is below the screening size threshold of the Bay Area Air Quality Management District's (BAAQMD) CEQA Air Quality Guidelines for conducting quantified emissions analysis. Operation of the project therefore, would not contribute to a violation of an ambient air quality standard or would result in a cumulatively considerable emissions of an air pollutant that BAAQMD considers to be in non-attainment. Project construction, however, could cause localized impacts to the adjacent sensitive receptors (e.g. residences on Campoli Drive and Mustard Avenue).

Impacts to Nearby Sensitive Receptors

As described above, the closest sensitive receptors to the project site are residences on Campoli Drive and Mustard Avenue, approximately 10 feet west and 60 feet northwest of the project site boundaries, respectively.

Construction TAC and PM_{2.5} Impacts

A TAC analysis and PM_{2.5} analysis was prepared for the Campoli Residential project. The Campoli Residential project included a north and south portion, proposing 10 and 11 single-family homes on the respective northern and southern portions of the project. The assessment found that TAC Emissions, including cancer risk and PM_{2.5} concentrations would be less than 9.4 excess cancer cases per million and PM_{2.5} concentrations less than 0.1 µgm³, consistent with BAAQMD screening thresholds. The proposed Monterey-Kelly Vo project proposes fewer units and construction across a smaller site and, therefore, would not result in construction TAC or PM_{2.5} impacts. Nevertheless, the project would include the following BAAQMD best management practices to reduce construction air quality disturbances to adjacent residences:

Best Management Practices

1. Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power

- vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Roadway and Train TAC and PM_{2.5} Impacts

Monterey Highway is a busy arterial roadway near the project site with an estimated 39,300 daily trips (2-way) between Peebles Avenue and Madrone Parkway (according to City's General Plan Circulation Element traffic study). New residences developed by the project would be setback approximately 25 feet from Old Monterey Road and approximately 180 feet from Monterey Highway. The BAAQMD provides screening tables that indicate predicted community risk impacts that roadways pose. At 100 feet from the Monterey Highway, these tables indicate cancer risk would be less than 7.2 cases per million and at 100 feet and PM_{2.5} concentrations would be less than 0.26 µg/m³. These levels are below the BAAQMD significance thresholds, and therefore, the exposures would be considered less than significant.

Train TAC and PM_{2.5} Impacts

Impacts from trains upon the Campoli Residential project were also predicted. The UPRR line runs parallel to Old Monterey Road and is adjacent to the northeastern property boundaries of the proposed Monterey-Kelly Vo project. The UPRR is used by trains for passenger and freight service. Along this portion of the UPRR line CalTrain operates 3 trains per weekday between Gilroy and San José, Amtrak has one passenger train daily, and there are about 6 freight trains daily.

DPM and PM_{2.5} emissions from trains on the UPRR rail line were computed using EPA emission factors for locomotives and California Air Resources Board (CARB) adjustment factors to account for fuels used in California. The Campoli Residential project prepared dispersion modeling of locomotive emissions using the EPA's ISCST3 model and a five-year set of hourly meteorological data for the San Martin Airport. Locomotive emissions were modeled as a line source along the rail line, near the project. Concentrations were calculated at receptor locations within the project site where residential development would occur.

The Campoli Residential Project computed its maximum increased cancer risk from train traffic based on an adjacent project site. Given the proposed project's adjacency to the Campoli Residential Project sites,

the maximum increased cancer risk conclusions would be comparable to the cancer risk occurrences at the proposed project site. The residential project (Hale-Signature) adjacent to the Campoli Residential Project calculated its maximum increased cancer risk as 4.2 million cases at the nearest receptor to the railroad line along Monterey Road. Cancer risks at other residential areas within the Hale-Signature project site would be lower than the maximum cancer risk. The maximum average PM_{2.5} concentration of 0.03 µg/m³ occurred at the same receptor that had the maximum cancer risk. The maximum predicted cancer risk and PM_{2.5} concentration for the Hale-Signature project is below the BAAQMD significance thresholds for cancer risk and PM_{2.5} exposure.

Based on the Monterey-Kelly Vo project site's proximity to the Hale-Signature project site and to Monterey Highway, as well as similar setbacks as the Hale-Signature project, the Monterey-Kelly Vo project would have TAC and PM_{2.5} exposures equal to or less than the Hale-Signature project. The proposed Monterey-Kelly Vo project therefore, would not result in significant TAC and PM_{2.5} impacts.

With implementation of best management practices described above regarding project construction, the project would have a less than significant impact to air quality.

Hydrology and Water Quality

NPDES Municipal Stormwater Permit

The EPA has delegated management of NPDES requirements for municipal urban runoff discharges in California to the SWRCB and the nine RWQCB's. The City of Morgan Hill is designated a smaller municipal separate storm sewer system (small MS4s) serving less than 100,000 people. The City has prepared and adopted a Storm Water Management Plan (SWMP) and been issued the NPDES Small MS4s General Permit by the CCRWQCB [Water Quality Order Number 2013-0001-DWQ]. The City's SWMP outlines a comprehensive five-year plan to establish Best Management Practices (BMPs) through six Minimum Control Measures (MCMs) to help reduce the discharge of pollutants into waterways and to protect local water quality caused by stormwater and urban run-off within the corporate limits of Morgan Hill.

Projects resulting in the addition and/or replacement of 5,000 square feet of impervious surfaces are required to comply with the City's NPDES Small MS4s General Permit and implement a project specific SWMP.

Construction Activities

The proposed project would construct approximately 0.08 acres in driveway area and 0.28 acres of building coverage on the 1.13-acre site. In total, the project would result in a 29.48 percent increase in impervious surfaces on-site, equivalent to approximately 13,394 square feet. Under existing conditions, 700 square feet is already developed with impervious surfaces from the existing single-family residence

Construction activities temporarily increase the amount of debris on-site and grading activities, which could increase pollutant loads of eroded material in stormwater runoff. The project will be required to

implement standard measures listed below as a standard condition prior to issuance of building and/or grading permit. Conformance with the measures in the erosion control plan would reduce the potential for substantial adverse impacts to water quality during construction.

Since the proposed project would create or replace more than 10,000 square feet of impervious surfaces, the project would be subject to the requirements of the Municipal Regional Stormwater Permit (MRP) for the San Francisco Bay Area.

The project site is greater than one acre in size and would therefore, be subject to the Statewide Construction General Permit. Construction water quality control measures will be implemented based on Regional Water Quality Control Board Best Management Practices (BMPs), as detailed below.

- The project shall comply with the requirements of the Municipal Regional Permit as well as other local, state, and federal requirements. Specifically, the project shall comply with provision C.3 of the MRP, which provides enhanced performance standards for the management of stormwater for new development.
- The project shall comply with all City of Morgan Hill ordinances, policies, and processes regarding the construction treatment of stormwater runoff. Specifically, a Stormwater Management Plan (SWMP) will be developed prior to issuance of building permits for project construction, to ensure compliance with City of Morgan Hill and MRP requirements. The SWMP will meet the criteria for stormwater protection outlined in the City's Environmental Compliance Program.
- Construction BMPs shall be implemented for reducing the volume of runoff and pollution in runoff to the maximum extent practicable during site excavation, grading, and construction. All measures shall be included in the project's SWMP and printed on all construction documents, contracts, and project plans. These would include:
 - Restrict grading to the dry season or meet City requirements for grading during the rainy season.
 - Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.
 - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff. Cover stockpiles with secure plastic sheeting or tarp.
 - Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck washdown area.
 - Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater.

- Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the project area from sedimentation with filter fabric and sand or gravel bags.

Implementation of standard BMPs identified above would avoid construction and post-construction water quality impacts.

Post-Construction Activities

Since the proposed project would be replacing more than 5,000 square feet of impervious surface, the project would implement post-construction water quality best management practices (BMPs) that control pollutant levels to pre-development levels, or to the maximum extent practicable for the project. The BMPs shall be designed in accordance with engineering criteria in the *California Stormwater BMP Handbook for New and Redevelopment* or other accepted guidance. Stormwater on the site would be conveyed to an existing 42" storm drain in Mustard Avenue. Since the storm drainage facilities already receive some runoff from the existing site conditions, the capacity of nearby storm drainage infrastructure will not need to be expanded in order to accommodate the proposed project.

Implementation of standard measures and development of best management practices consistent with the *California Stormwater BMP Handbook for New and Redevelopment* would avoid construction and post-construction water quality impacts.

Flooding

The following discussion is based on a Hydraulic Analysis prepared for the project by *Schaaf & Wheeler* in February 2019. The analysis memo is attached as Appendix E.

The project site is located with FEMA Flood Hazard Zone D, an area that has not been previously studied. Therefore, a hydraulic analysis was prepared to confirm site conditions. Results of the hydraulic analysis prepared for the project show that the project site is not located within the 100-year floodplain from Fisher Creek and is located within a Zone X floodplain designation, which is an area subject to inundation from a 500-year flood event, i.e. 0.2 percent chance of flooding in a given year. The project site is at an approximate elevation of 352 feet, and the 100-year (or 1% flood) water surface is approximately 349.10 feet. The project, therefore, would not place residences within a 100-year floodplain and would result in a less than significant flooding impact.

(e) *The site can be adequately served by all required utilities and public services.*

Public Services

The proposed project would be constructed to meet the City's Municipal and Fire Codes which would ensure the project be adequately served by the utilities and services. The project would generate

approximately 16 new residents in the City of Morgan Hill who would require public services.⁵ Since the proposed project is consistent with the site's General Plan designation and zoning district, the population growth resulting from the project was accounted for in the City's General Plan. Based on the City's General Plan Environmental Impact Report, buildout of the General Plan would result in an increase in demand for police and fire services however, the increase in demand would not be considered a significant impact. The project, therefore, would have a less than significant impact on public services.

Utilities and Service Systems

Water

There is an existing eight-inch water line with Mustard Avenue and an existing eight-inch ductile iron pipe water line in Campoli Drive. Assuming a 400 gallon per day (gpd) water demand per residence, the project would generate approximately 2,400 gpd of potable water. The project proposes minimal landscaping which would not generate a sizeable water demand. Based on the City's General Plan projections of population growth and the additional of six single-family residences, the existing water supply is adequate to serve the anticipated development on the site.

Sanitary Sewer

The proposed project would connect to existing municipally-owned eight-inch diameter sanitary sewer pipes within Mustard Avenue. The City's General Plan and Sewer System Master Plan indicates that the existing and as-planned capacity of the water and sewer systems in the City will be able to accommodate the buildout of the General Plan. The project would generate approximately 2,040 gallons per day of wastewater and no capacity improvements would need to be made to the City's sewer system to meet the increased sewage flow.⁶

Storm Drainage

Under existing conditions, stormwater on-site percolates through the exposed soil into the Fisher Creek watershed.

Stormwater from the project site would be conveyed to an existing 42-inch storm drain line located within Mustard Avenue. Given the relatively small amount of new impervious surface area proposed, the existing storm drain line in Mustard Avenue would be able to accommodate the stormwater draining from the project site.

The project site is within the urban service area of the City of Morgan Hill and would be adequately served by all public services. As noted above, the sewage and stormwater pipes in the project area are adequately sized to serve the proposed project, and adequate water supplies exist to serve the project.

⁵ Estimate based on the assumption of 3.06 persons per household for each residential unit.

⁶ Wastewater represents approximately 85 percent of indoor water demand generated by the project. As the project is estimated to generate approximately 2,400 gpd, the project would generate a demand of 2,040 gpd.

CONCLUSION

With incorporation of the standard measures and best management practices and conditions of approval listed below and detailed in this memorandum into the project, the proposed project meets the criteria for a Class 32 In-fill Development exemption and none of the exceptions to the exemptions set forth in CEQA Guidelines Section 15300.2 apply to the project.

Project Conditions of Approval/Best Management Practices

Cultural Resources

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- Discovery of Archaeological Resources. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 100 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the find. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.
 - Discovery of Human Remains. In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his

authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-enter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Biological Resources

- General construction activities and the removal of trees could impact nesting birds. To the extent practicable, vegetation removal shall be performed from September 1 through February 28 to avoid the general nesting period for birds. If tree removal cannot be performed during this period, preconstruction surveys for nesting birds shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of vegetation removal grading or other construction activities.
- If vegetation removal or other construction or operational activities are not started within 14 days of the survey, another survey shall be required. The survey area shall include all of the construction site and staging areas as well as areas within 150 feet of the project site. In the event that an active nest is discovered in the areas to be cleared and or developed or in habitats within 150 feet of the proposed activities vegetation removal and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged and the nest is vacated and there is no evidence of a second nesting attempt.

Noise & Vibration

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for homes throughout the site, so that windows could be kept closed at the occupant's discretion to control interior noise and achieve the interior L_{max} and L_{dn} noise standards.
- Provide sound rated windows and doors to maintain interior noise levels at acceptable levels. Preliminary calculations made based on the data contained in the conceptual design plans indicate that sound-rated windows and doors with a sound transmission class rating of STC 38 to 43 would be sufficient to control maximum instantaneous noise levels to 50 dBA L_{max} in bedrooms, 55 dBA L_{max} in other habitable rooms, and to also achieve the 45 dBA L_{dn} interior noise standard. Additional treatments may include, but are not limited to, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible. Bedrooms should be located away from the UPRR.
- Confirm the final specifications for noise insulation treatments during final design of the project, based on the best available data regarding future usage assumptions for the UPRR. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. The following standard conditions are assumed to be included in the project:

- Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Air Quality

- Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Hydrology and Water Quality

- The project shall comply with the requirements of the Municipal Regional Permit as well as other local, state, and federal requirements. Specifically, the project shall comply with provision C.3 of the MRP, which provides enhanced performance standards for the management of stormwater for new development.
- The project shall comply with all City of Morgan Hill ordinances, policies, and processes regarding the construction treatment of stormwater runoff. Specifically, a Stormwater Management Plan (SWMP) will be developed prior to issuance of building permits for project construction, to ensure compliance with City of Morgan Hill and MRP requirements. The SWMP will meet the criteria for stormwater protection outlined in the City's Environmental Compliance Program.
- Construction BMPs shall be implemented for reducing the volume of runoff and pollution in runoff to the maximum extent practicable during site excavation, grading, and construction. All measures shall be included in the project's SWMP and printed on all construction documents, contracts, and project plans. These would include:
 - Restrict grading to the dry season or meet City requirements for grading during the rainy season.
 - Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.
 - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff. Cover stockpiles with secure plastic sheeting or tarp.
 - Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck washdown area.
 - Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater.
 - Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the project area from sedimentation with filter fabric and sand or gravel bags.

Appendix A
Historical and Architectural Evaluation

**HISTORICAL AND ARCHITECTURAL EVALUATION
For the Property at 18755 Old Monterey Road
Morgan Hill, Santa Clara County, California**



Report prepared for:

David Powers & Associates
1885 The Alameda, Suite 204
San Jose CA 95126

Prepared by:

Urban Programmers
10710 Ridgeview Ave.
San Jose CA 95127
408-210-1052

Date:

September 25, 2018

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

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Historical and Architectural Evaluation for the House and property at 18755 Old Monterey Road, City of Morgan Hill, Santa Clara County, California.

1. Introduction:

A proposal has been submitted to the City of Morgan Hill to develop the property at 18755 Old Monterey Road, Morgan Hill. To comply with City policies and the California Environmental Act, an historical and architectural evaluation of the existing building is required. The property has one building used as a house and a shed. The rest of the property is vacant.

1.1 Project Location

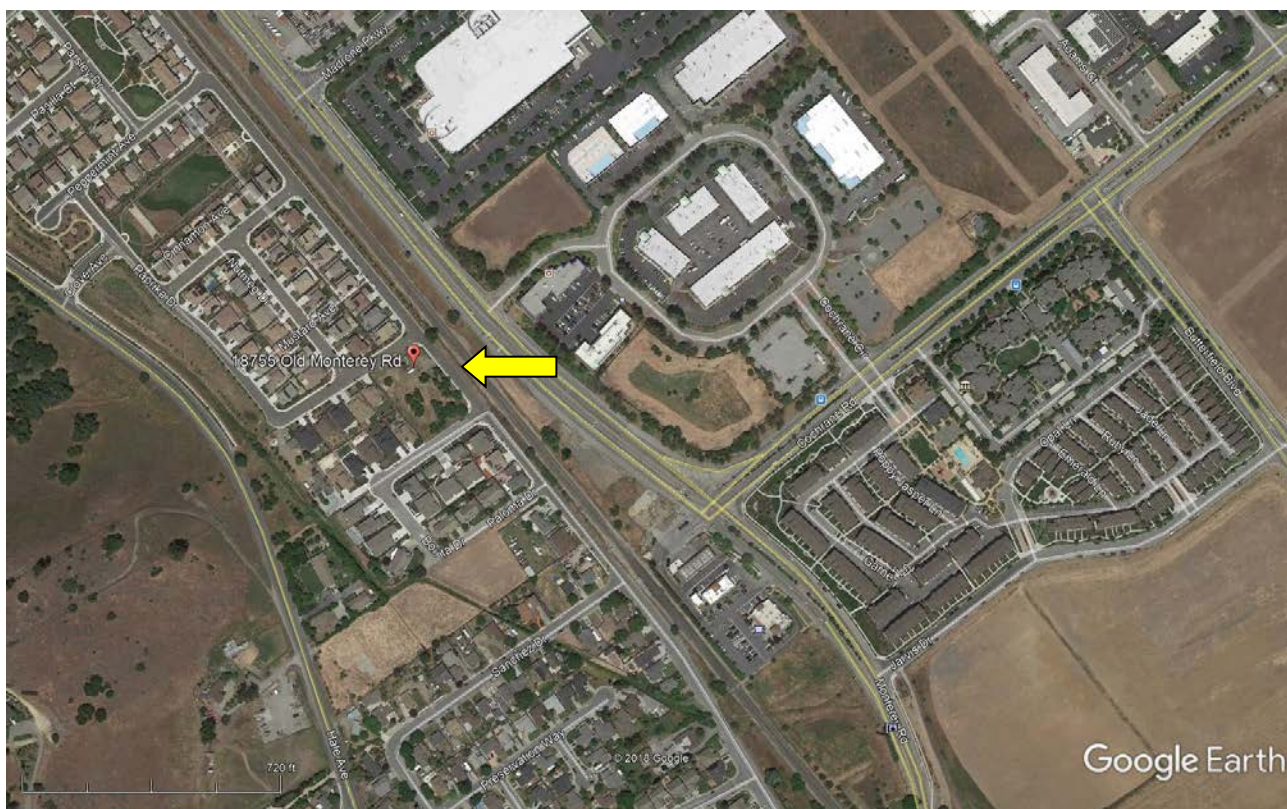


Figure 1 Aerial map showing 18755 Old Monterey Road
Map Source: Google Earth Pro, April 5, 2016

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

1.2 Current Resource Listings: The property is not listed in the Morgan Hill Inventory of Cultural Resources, the Santa Clara County Heritage Resource Inventory (October 1999), or with the North West Information Center (CRIS).

1.3 Executive Summary The property was traced to the first American owner William Fisher and his wife Liberta Fisher Bull Piatti. After her death in 1905, the 140 acre property was subdivided into 10 and 20 acres lots that continued the agricultural use. The only building on the remaining 1.1 acre parcel is a c.1875-1880 building used as a residence. The building was moved to the site in the late 1920s and first appears on the property tax roll in 1930. The National Style building with narrow double hung windows is one of the oldest in Morgan Hill. Because it exhibit a style from an era that is no longer found in Morgan Hill, and retains a high degree of integrity showing the style, materials and craftsmanship, the building is eligible for listing in the California Register of Historic Resources under criterion 3, and is eligible to be listed in the Morgan Hill Historic Resource Inventory,

1.4 Methodology: Standard research methodology was used, which included the compilation and research of data from the public records, maps, deeds, and published and unpublished materials, as well as contacting individuals with knowledge of the property and related historical subjects. Site investigations and photographs were also part of the research. Unless otherwise noted, historical information presented in this report was drawn from Sanborn Insurance Company maps, city directories, tax assessment rolls, and block books, U.S. Census, Voter Registers and when appropriate the internet. Evaluation was the final step prior to preparing the written report.

The report reviews the historical background of the subject parcel, and describes the building, and structures, located on the property. These were considered as having the potential to be eligible for listing in the California Register of Historical Resources or meet the criteria for historical significance in the Morgan Hill Municipal Code Section 18.75.

1.4 Report Preparation: The report was prepared by Urban Programmers and compiled by Bonnie Bamburg. Ms. Bamburg has over 35 years of experience in preparing historic surveys and evaluation reports for cities, counties, and the federal government. She has prepared numerous National Register Nominations for individual sites and historic districts. Additionally, she has advised owners and architects on compliance with the Secretary of the Interior's Standards for Rehabilitating Historic Buildings and has prepared Certifications for historic properties in several states. She is a former instructor in Historic Preservation at SJSU, a lecturer in historic preservation, and former San Jose Historical Landmark Commissioner (1974-1980). Ms. Bamburg is an advisor to Preservation Action Council San Jose, and is a former board member of the Western Region of the Association for Preservation Technology, the international Association for Preservation Technology, and History San Jose.

Other members associated with the firm have specialized backgrounds significant to the project. William Zavlaris, B.A, MUP, received his education in art and architectural history at UCB and received his Master's Degree in urban planning and city design from SJSU. Mr. Zavlaris has 28 years of experience evaluating architecture for local historical surveys as well as National Register Nominations for private clients and government agencies. Other associates who work with the firm include; Douglas Bright, MS. Historic Preservation from Savannah College of Art and Design, and Marvin Bamburg, AIA, who has over 40 years of experience in historic preservation architecture for residential and commercial properties. The firm meets the Secretary of the Interior's Standards for Professional disciplines.

2. GENERAL HISTORICAL BACKGROUND AND DESCRIPTION OF THE MADRONE STATION AREA.

Early Inhabitants:

The first known inhabitants of the area were the Ohlone, part of the Costanoan Language group, who lived a relatively peaceful hunter-gather existence for several thousand years before the immigration of Europeans. Very little physical vestiges of these early inhabitants remain.

Spanish Exploration, Settlement, and Ranchos 1769-1846

The first Europeans to visit the south county area that includes the subject property came 1769, led by Spaniard Gaspar de Portolá who was accompanied by sixty-four men. The following years saw several Spaniards traveling to what would become the Santa Clara Valley. The expedition of Juan Bautista de Anza in 1776 brought settlers to Yerba Buena (San Francisco). The following year, El Pueblo de San Jose de Guadalupe and Mission Santa Clara were established at the north end of the Santa Clara Valley. These necessitated travel routes along El Camino Real through South Santa Clara County. During the next 18 years very little trade occurred and what was grown or created around the Missions, Presidios, or in the Pueblo of San Jose, remained in the area as the harbors were controlled by Spanish law and were not open to other traders. In 1794 port authority relaxed and allowed trade of excess hides, tallow, and grain, produced on Ranchos granted by Presidio Commanders. Mexico declared independence from Spain in 1821, after which the governance of Alta California fell under Mexican authority. Mexico issued land grants that established 13 Ranchos in southern Santa Clara Valley, a practice that continued until 1846.

The subject property was part of the Rancho Laguna Seca ("Refugio de la Laguna Seca"- Dry Lake Refuge), a Mexican land grant given by Governor José Figueroa to Juan Alvires.^[1] The grant extended southward along Coyote Creek from Rancho Santa Teresa and Coyote to Rancho Ojo del Agua de la Coche and Morgan Hill. The 23,040-acre grant bordered the Rancho Ojo De Agua De La Coche on the southeast and the base of the low foothills where the valley floor gently rises. During the time Alvires owned the land he

appears to have followed most of the rancho owners in raising cattle and wheat. Although the location and date are not known, it appears that a wheat mill was operated on the Rancho Laguna Seca.¹ The Rancho was sold to William Fisher in 1845. Fisher passed away in 1850 and the property transferred to his wife Liberta Fisher.

Early American Period 1846-1869

The Rancho lands produced a broad spectrum of agricultural and manufactured products. Dairy farms in the area produced enough cheese that it led to a commercial cheese industry. To the south of Morgan Hill, the Miller-Lux holdings included 20,000 acres of cattle land divided in parcels throughout the South County and said to be one days horseback ride apart. The company was among the largest in the state organized for shipping herds to market—usually they were sent to South San Francisco. At the time of Miller's death in 1916, the holdings extended into Nevada and Oregon and he carried a personal wealth of \$250,000,000.

Martin Murphy Sr. arrived in the Morgan Hill area in 1846 and acquired the Rancho Ojo de Agua de la Coche, about 9,000 acres of land. Within about 25 years Martin's seven sons and daughters had managed to acquire more than 70,000 acres in the area. The youngest son, Daniel, married Maria Fisher in 1851. She inherited the 19,000 acre Rancho Laguna Seca, adjacent to the Murphy land. In 1882, their only child, Diana, secretly married Hiram Morgan Hill. Upon her father's death Diana inherited 4,500 acres of the original Rancho Ojo de Agua de la Coche, at the base of El Toro Mountain. The area became known as the Morgan Hill Ranch.

The gold rush of 1849 transformed the state and South Santa Clara Valley. Many of the settlers left the Santa Clara Valley for the gold fields of the lower Sierras. Few found wealth mining gold. The majority returned to farming or businesses based upon supplying the miners and later the inhabitants of the emerging towns that sprang up along transportation routes. In 1857 the 18 Mile House was established at Madrone in Burnett Township north of Morgan Hill. In 1869, 200 acres was sold by Liberta Cesena Fisher Bull Paitti to Jose Maria Malaguerra who planted vineyards and established a commercial winery that bore his name. Some owners planted wheat or hay, but adapted as the markets opened to plant fruit orchards in the Morgan Hill area.

After her husbands death in 1850, the area of this study was owned Liberta Fisher² The 18 Mile House was constructed on her property at Madrone Station in 1857. Subsequently a small commercial center grew and a U.S. Post Office was opened in 1867. The 18 Mile House was a respite for travelers and those on the Butterfield Overland Stage that also delivered the mail beginning in 1857.³ Roadhouses (restaurants,

¹ Dill Design, Santa Clara County Heritage Resource Survey Update, South County, March 31, 2003, page 11

² Liberta Cesena Fisher married Geoerge Bull who passed away in 1854. Her next husband was Piatti a native of Milan Italy.

³ Prior to the stagecoach service mail took months between the east and west coasts by ship around South America. The Butterfield Overland Stage company tool 27 days to deliver mail form St. Lewis to San Francisco with a stop in Burnett.

small hotels, and horse care stations) sprung up along the El Camino Real (Monterey Road) at varying distances from the established communities. In the case of South Santa Clara County, the distances were marked from San Jose the closest major city. The area where the 18 Mile House opened was known as "Sherman" and "Madrone Station," within the Burnett Township. In 1869, the San Jose-Pajaro Valley Monterey & Salinas railroad connected Burnett with San Jose to the north and Salinas to the south, as well as the Pajaro Valley and Monterey. Eventually, tracks connected to the rest of the nation. The train stopped at Madrone Station replacing the stage coach for delivering mail. The Thompson & West Historical Atlas for Santa Clara County 1876, shows Liberta C Piatt (L.C. Piatti), was the owner of the 140 acres that included the subject 1.1 acre parcel while her husband (Piatti) owned a 17 acre parcel to the South.

Late Nineteenth Century:

With the advent of the railroad, in 1869, communities began to spring up at every stop. Often stations were established where a roadhouse existed. The Tennent Station (21 Mile House) and Madrone Station (18 Mile House) were followed by many that took their station names from the adjacent landowners or settlements. Toward the end of the century, large tracts of land—the former Ranchos—were subdivided and the lots sold for homesteads and farms. The resized parcels became orchards and farms, with fruit and vegetables replacing wheat, previously the dominant crop. On the east side, the 4,500 acre Rancho Ojo de Agua de la Coche, owned by Diana Murphy Hill and Hiram Morgan Hill, was sold in 1892 to real estate developer Chauncey Phillips, as was Rancho San Francisco de las Llagas, owned by Daniel Murphy Jr.. Both large holdings were subdivided and the initial survey of a town—Morgan Hill—was laid out at the center of the subdivision. The subdivision offered lots of 5, 10, and 20 acres. By 1896, the small town had a train station, newspaper, churches, dry goods stores, telephone, telegraph, express shipping, and a school. North along the El Camino, part of the 10,000 acre San Martin Ranch was also sold in lots of 5, 10, and 20 acres. The 8 square block community of San Martin was surveyed as well. From it, lots were created that, by 1896, supported a Post Office, telephone, telegraph, and express office—all necessary to connect the rural farm owners with supplies and communications. While both communities served a large section of the rural valley, it was Gilroy, 10 miles south of Morgan Hill, that was incorporated in 1870 and grew to be the regional shipping center and the larger city. The City of Morgan Hill was incorporated 36 years later, in 1906. During this period the subject property was included in Madrone Township, an unincorporated area of Santa Clara County north of Morgan Hill that was also referred to as Burnett. The name Burnett came from Peter Burnett, a farmer and resident who became California's first governor.

Twentieth Century:

At the turn of the century, agriculture was the primary industry in South County. Acres of orchards and farm land were owned by Americans and immigrants from Europe, Asia, Canada, and Mexico. By the first decades of the 1900s, there were many ranchers and

farmers with less than 200 planted acres that were the suppliers of the canneries and fruit dryers located along the length of the County. The canneries needed labor and support industries and communities grew in response.

In the Morgan Hill area, the population grew at a steady rate with most jobs relating to agriculture and the supporting businesses of box factories, can factories, shipping centers, paper mills, and label makers, all considered part of agriculture, the strongest growth industry in Santa Clara County between the years 1900-1936. Prunes were at the top of the list for the export market. While there were cycles of boom and bust, nothing was as devastating as the boycotting of California prunes and dried fruit by Germany and its allies in 1936. The European market was a large part of the industry's sales and, without it, the glut of prunes caused financial ruin for many local ranchers. Those who could hold on to their land replanted orchards to take advantage of improved shipping for fresh fruit as well as fruit for the canneries. Some turned into vineyards and some to row crop farming. However, all were helped by the start of WWII and the federal government's contracts to provide food to the Allied troops. When WWII ended, so did the lucrative federal contracts, and again the industry faced challenges. In the late 1940s, frozen and prepared foods were being perfected for the consumer market. Strawberries were the first locally frozen crops to come from South County.

In the late 1940s, north Santa Clara County experienced a shift from an agricultural community to new industries in electronics and high tech and subdivisions of new homes. South County continued to be mainly agricultural into the 1970s. However, at that time, the growing population spread from the industrial centers of Silicon Valley to South County, and the land became more valuable as residential and commercial subdivisions than agricultural land. The increased population and resulting traffic congested the older roadways, which necessitated an era of infrastructure improvements. Maps from the early 1990s, show the subject property with at least one building and several other structures on the property and agricultural fields to the north.

Twenty First Century:

As in the early eras, the corridors north and south were of prime importance. Highway 101 was aligned east of Monterey Avenue (El Camino Real) while most of the residential development occurred west of Monterey Avenue. Santa Teresa Boulevard came from San Jose, crossed San Martin, and connected to Hale Avenue after Llagas Road, in Morgan Hill. Old Monterey Road ended at Campoli Drive until development moved to the area after 2005⁴. The population grew during the late 1920s-1930s, influenced by the increase in agriculture and the processed food industry. Then the population grew due to general growth in population throughout the county, but particularly as companies in the Silicon Valley expanded and new businesses located in the Morgan Hill area. Morgan Hill has an established industrial area as well as commercial sections that have given balance to the community, although a high number of residents still commute north. The subject property was the developed corner of a large agricultural fields until 2015, when a tract

⁴ Thomas Guide-Santa Clara and San Mateo Street Map. 2006 page 916

of single family houses was constructed removing the agricultural fields and dividing the parcel with Paprika Drive on the north and Old Monterey Road on the south. At that time there was the existing building, a dilapidated chicken coop and a former “chicken house” that appeared to be a residence.⁵ By 2018, the only building on the property is the subject house- the rest of the land is vacant.

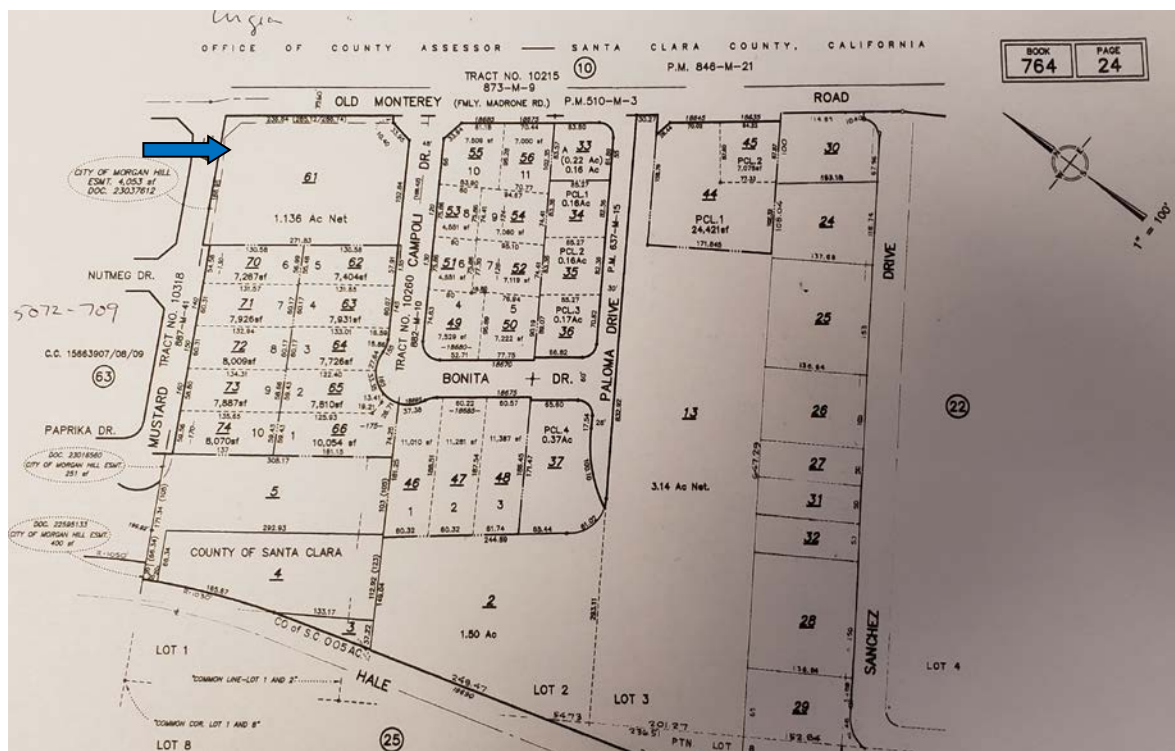


Figure 3 APN 764-24-061 18755 Old Monterey Road
Source Santa Clara County Assessor's Map

⁵ Santa Clara County Assessor's Property Record.

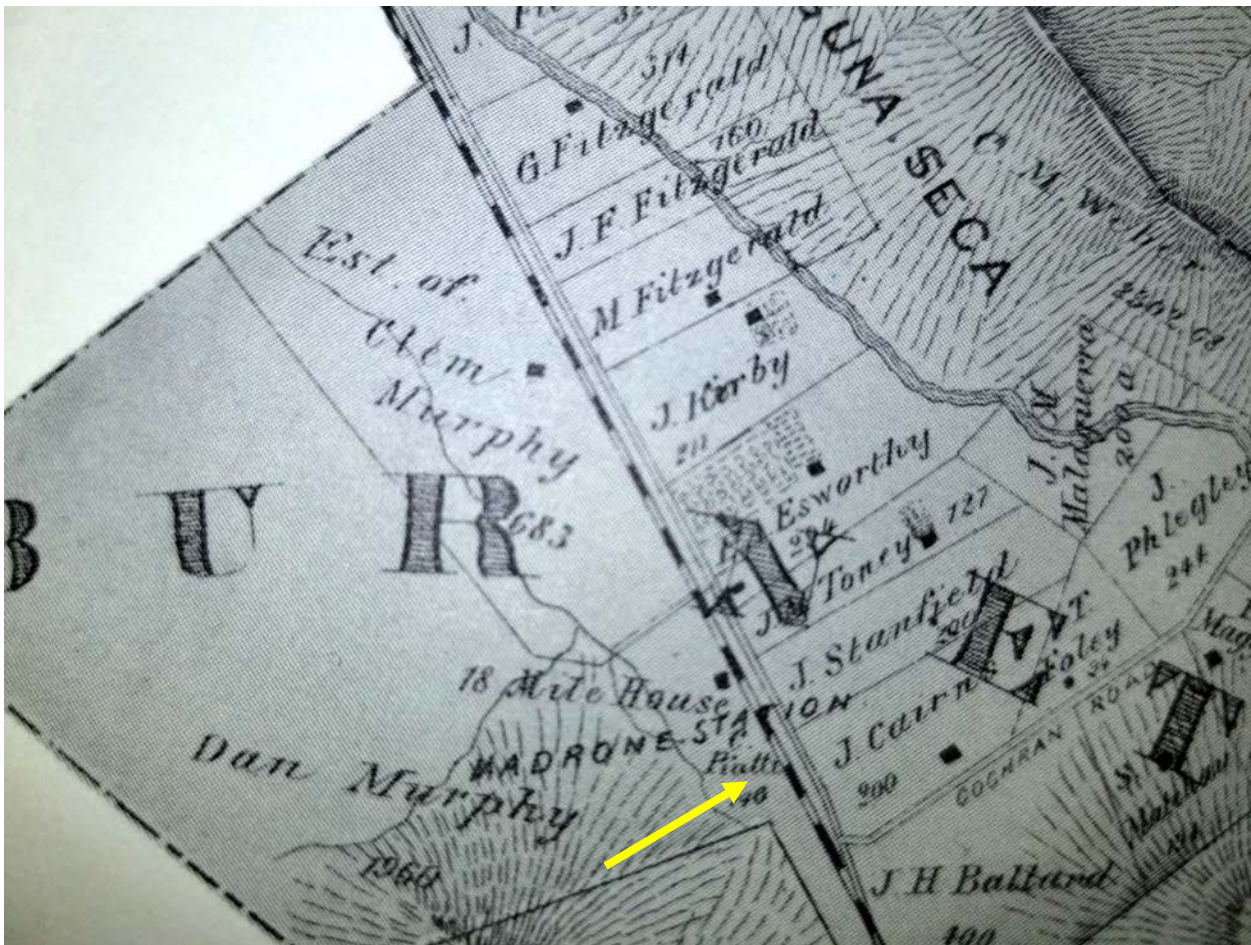


Figure 4 18755 Old Monterey Road, Morgan Hill
 View: Section of Historical Atlas of Santa Clara County - Thompson & West 1876, page 56, Map # 7. The 140 acres of land north of Cochran Road on the west side of the SPRR tracks belonged to L.C. Piatti. The arrow points to the land at Madrone Station.

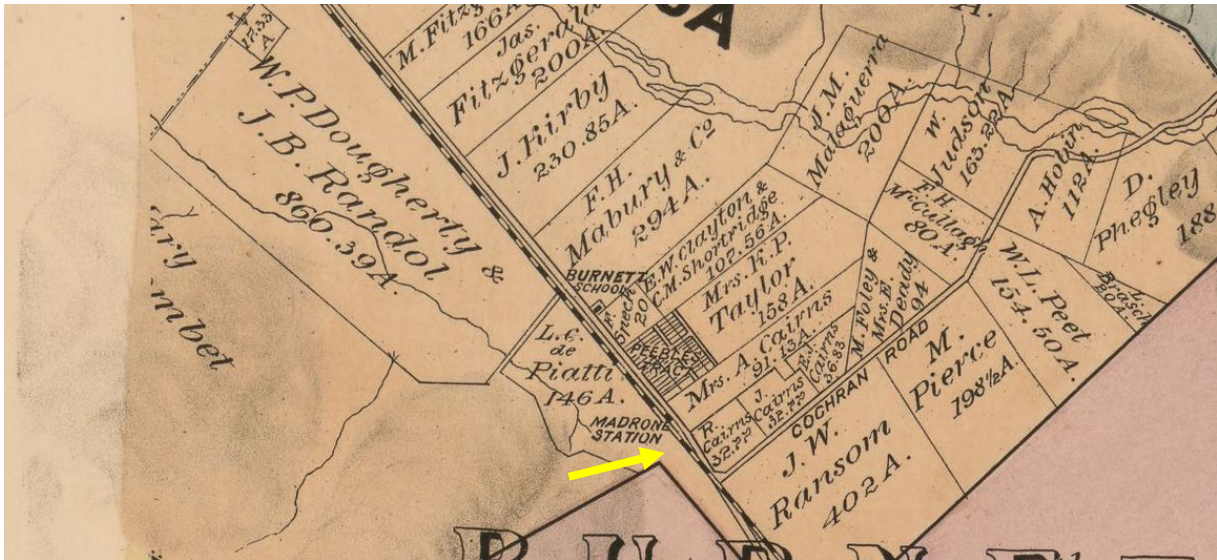


Figure 3 1875 Old Monterey Road, Morgan Hill

View: Portion of the Official map of the County of Santa Clara, California : compiled from U.S. surveys, county records, and private surveys and the tax-list of 1889, by order of the Hon. Board of Supervisors. Arrow indicates the approximate location of the subject property.

2.1. 1875 Old Monterey Road

Liberta C. Fisher Bull Piatti owned the property inherited the property after William Fisher passed away in 1850.. Liberta was from Mexico and had married William Fisher and come to California in 1846. After her first two husbands passed away Liberta married C. Piatti. Piatti came from Milan Italy and worked in the Madrone area before acquiring his own property. The 1860 U.S. Census lists him owning real estate worth \$27,000 and personal property worth \$1,000. His occupation is listed as farmer and one farm laborer lives at the same place in Burnett.⁶ The 1862 Federal Excise Tax Assessment for Santa Clara County lists C. Piatti charged in San Jose for a valuation of \$227.00 for which he was charged \$11.35.⁷ He was similarly charged in 1863 and 1864.

The Historical Atlas of Santa Clara County-Thompson & West 1876, shows the 140 acres that were owned by L C. Piatti in Burnett and the 18 Mile House at Madrone Station is on her property- no other buildings are shown. The listing of owners and residents of the County shows that C. Piatti lived on N. First Street in San Jose and was a farmer and fruit rancher, and he also is listed on a 17 acre parcel in south Burnett Township. The atlas lists Piatti as coming from Italy and locating in Santa Clara County in 1850 and working in Burnett Township where he owned livestock.

It appears from the style and construction of the subject building on the property that it The architectural style is National, a very simple box of a building with narrow double-hung windows, a steep pitched roof, and a front door- a back door was added later.

⁶ Street addresses are not listed in the census.

⁷ *Records of the Internal Revenue Service*. Record Group 58. The National Archives at Washington, DC. California District 2 Annual and Special Tax Lists 1861-62.

The 1889 Official Map of Santa Clara County (figure 3) shows the 148 acres was still owned by L.C. Pietti and listed at Madrone Station in the unincorporated Burnett area of Santa Clara County.⁸ Liberta Piatti lived in San Jose where she passed away in December of 1905.⁹

After Liberta's death in 1905, the property in Madrone Township was subdivided and in 1910 the parcel containing the subject 1.1 acres of farm land was sold to May and Jack Myers. The Myers lived in San Jose where Jack was the proprietor at a clothing store.¹⁰¹¹ Ten years later the property was sold to Antonio Lo Bue.¹²

Antonio Lo Bue emigrated from Trabia, Italy becoming a farmer in Santa Clara County before purchasing the land in Madrone. Lo Bue did not move to Madrone right away. In 1924, he applied for naturalization listing his residence in San Jose. When he appeared before the Santa Clara Superior Court for the final declaration of naturalization on June 3, 1929 he listed his children that were living with him as Mary (20), Antonio (19) and Rose (16).¹³ This declaration lists his home as Madrone.

In the late 1920s the small wood building c. 1875-80 that exists on the property was moved to the site.¹⁴ The Santa Clara Assessor's Office lists the first assessment for tax with a house on the property was in 1930. The last City Directory listing for Lo Bue in Madrone is 1933. He passed away in 1935, leaving the property to his wife Roselia Lo Bue. Roselia operated the farm for nine years.¹⁵ ¹⁶ The property remained in her ownership until February 1944, when she sold the land to Giulio Campoli and his wife Argia.¹⁷

The Campoli family moved from San Jose where Giulio had been a fruit ranch worker. Prior to moving to California, the family lived in Rockford Illinois where both Agria and Giulio became naturalized citizens in 1920. When the 1930 U. S. Census was recorded the family still lived in Illinois. They had 10 children; Antonia (20) was not listed and may have already married, Warren (19), Helen (17), Frank (16), John (15), James (11), Pearl (10), Joseph (8), Mary (5) Aletta (3) and Anthony(1). The first listing for the family in California is in 1938, when Giulio (Giulio) registered to vote in Santa Clara County. His occupation was recorded only as orchard. Giulio, was born in 1881 in Italy, and is listed

⁸ Official Map of Santa Clara County, 1898

⁹ "ONE OF THE EARLIEST SETTLERS OF SANTA CLARA COUNTY IS DEAD" THE EVENING NEWS, San Jose, December 5, 1905, page 2, column 2-3

¹⁰ Record of ownership, Santa Clara County Records Records

¹¹ U.S. Census for Santa Clara County, San Jose Ward 4, 1910

¹² Deed recorded December 7, 1920 in Book 511 of deeds page 42.

¹³ U,S, Naturalization Records, Northern District of California

¹⁴ At this time the original location is not known..

¹⁵ Santa Clara County Assessor' records. The land was appraised prior to 1930, but that is the first year the house was recorded having a building.

¹⁶ The USGS 1917 Topographical Map for Morgan Hill does not show the building. The first time it is shown on a USGS map is 1947.

¹⁷ Deed, Book 1178, Official Records of Santa Clara County page558. Recorded February 7, 1944.

as a farmer in the 1947 Santa Clara County Directory and again in the 1949-50 city directory living on the property in Madrone. The family continued farming and in 1961, the property was deeded to Anthony and Mariam Campoli, as a life estate with the remainder 2/3 to Thomas M. and 1/3 to Cynthia A. Campoli. Argia passed away in 1965 and Giulio in 1975. Both are buried at Mount Hope Cemetery in Morgan Hill. The property has several sheds and outbuildings when it was leased. Cynthia A Campoli sold the property in 2000 to Jewel Rodriguez.¹⁸

In a preplanned transaction the property was sold by Rodriguez to Michael D Barger and Mary Barger on the same day.¹⁹ The property sold again April 29, 2006 to Khanah T. Vo, and again in 2011 to Dailac Nguyen, the current owner. It appears the property has been leased for many years. In 2018, only the c. 1875 building remains on the property.

In 1958, the City of Morgan Hill annexed the area of Madrone Station into the City.

Summary: The property was part of a larger parcel that was owned by William Fisher in 1848 and then his wife Libereta Fisher Bull Piatti. The land included the 18 Mile House at Madrone Station with the rest farmed or planted with fruit trees. As subdivisions lessened the acreage, the subject 1.1 acre parcel became a residence and poultry farm. The remaining building c.1875-80 appears on the property in 1929, and was the home of Antonio and Roselia Lo Bue. The building first appears on the tax rolls in 1930, and thereafter was occupied by members of the Lo Bue and Campoli families. Although the origins of the small building are unknown, the age, style and integrity identify it as one of the oldest building in Morgan Hill.

2.2 Description:

The location is in the North West edge of The City of Morgan Hill on Old Monterey Road (El Camino Real) north of Cochrane Road. The site is 1.1 acre that is surrounded by single-family tract houses constructed in 2016-17. The only building on the subject parcel is a small house that is single-story, rectangular in form, and is constructed entirely of wood with a concrete perimeter foundation.²⁰ A simple form with a pitched roof the only decorative element is pieces of scrollwork in the front roof peak, in front of a vent at the very top and a square opening below that is closed with plywood. The siding is dropped horizontal board that extends to the ground. The building floor is raised approximately 2.5 feet above grade. The front facade is symmetrical with the front door in the center and a tall, narrow double-hung window on each side. The front porch extends across the facade and is an obvious addition that has been tacked on to the building. The roof is composition roofing laid on top of plywood.²¹ Wood lattice pieces from a home improvement store cover the space below the porch. The sides are similar with two evenly spaced windows on each side. These are the same style as those on the front;

¹⁸ deed recorded June 21, 2000, #115287643

¹⁹ Document #152837

²⁰ No permit was found for the foundation. Urban Programmers was only able to view one section of the foundation and believe the rest is the same.

²¹ The form of the roof suggests plywood, however we were not able to inspect to verify the construction.

however, on the north side one has been replaced with a short metal sliding style, typical for a bathroom.²² The south side retains the two narrow, tall wood sash, double-hung windows that are original to the period c. 1875-80. There is no other ornamentation or style elements on the side facades. The rear has a pitched roof addition that has been on the building since the 1930 assessment. Other than the addition, the rear facade is plain with only a door in the center. A wood deck and railing extends from the rear facade c. 1980s. The fenestration is unusual for a house and suggests the building may have been adapted to residential use in the late 1920s when it was placed on the site.

Summary: The building is a very simple form, the most basic for any building, a single-story rectangle with a front gable (pitched roof) The style is often called a Folk Vernacular or National Style. With the addition of the scrollwork in the peak of the front gable- the building has a slight Folk-Victorian appearance. Constructed much like a barn with balloon framing, the roof appears to have a bevel rafter structure with very narrow eaves. A very small trim board covers the roof to wall connection. It is without decoration except for the scroll piece in the peak of the front. The basic utilitarian form has minimal alterations. It would likely have had a single stair to the front door and back door if that is original. If heat was provided, it was by a stove inside as there is no evidence of a chimney. The overall condition appears good. The building, now annexed to Morgan Hill may be one of the oldest buildings in the City.

²² Originally, the building did not have a bathroom. The sliding windows is into the bathroom.

2.3. Photographs: The photographs were taken on August 5, 2018 at 3:30 PM using a digital format.



Photograph 1 18755 Old Monterey Road, Morgan Hill CA
View: Front (east) facade

Camera facing: west



Photograph 2 18755 Old Monterey Road, Morgan Hill CA
View: Front (east) and south side facade
Camera facing: NW

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



Photograph 3 18755 Old Monterey Road, Morgan Hill CA
View: Front (east) and north side facade
Camera facing: SW



Photograph 4 18755 Old Monterey Road, Morgan Hill CA
 View: Rear (west) facade Small addition attached to the building on the left.
 Camera facing: East

3. Regulatory Framework:

3.1 Federal

The National Historic Preservation Act was adopted in 1966 and most recently amended in 2000. One of the most important provisions of the Act is the establishment of the National Register of Historic Places (National Register), the official record of historical resources. Districts, sites, buildings, structures, and objects are eligible for listing in the National Register. The National Register is administered by the National Park Service (NPS). To be listed in the National Register, a property must be significant under one of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of our history;
2. It is associated with the lives of persons significant in our past;

3. It embodies the distinctive characteristics of a type, period, or method of construction, that represent the work of a master, that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded, or may be likely to yield, information important to history or prehistory.

For a property to qualify under the National Register's Criteria for Evaluation, it must also retain "historic integrity of those features necessary to convey its significance." While a property's significance relates to its role within a specific historic context, its integrity refers to "a property's physical features and how they relate to its significance." To determine if a property retains the physical characteristics corresponding to its historic context, the National Register has identified seven aspects of integrity:

1. Location: the place where the historic property was constructed or the place where the historic event occurred.
2. Design: the combination of elements that create the form, plan, space, structure, and style of a property.
3. Setting: the physical environment of a historic property.
4. Materials: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
5. Workmanship: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
6. Feeling: a property's expression of the aesthetic or historic sense of a particular period of time.
7. Association: the direct link between an important historic event or person and a historic property.

Since integrity is based on a property's significance within a specific historic context, an evaluation of a property's integrity can only occur after historic significance has been established.

3.2 State of California

The California Register of Historical Resources ("California Register") is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (Public Resources Code Section 5024.1[a]). The criteria for eligibility to the California Register are based on National Register criteria (Public Resources Code Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for or listed in the National Register. To be eligible for the California Register as a historical resource, a prehistoric or historic-period resource must be significant at the local or state level under one or more of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of a master, or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance. The seven aspects of integrity are: location, design, setting, materials, workmanship, feeling, and association. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data.

See below under Standards of Significance for state guidance on analysis of historic resources under CEQA.

3.3 City of Morgan Hill Cultural Resources Designation Criteria (Section 18.75.030)

For purposes of this Chapter, an improvement may be designated a cultural resource by the planning commission and any area within the city may be designated as a historic district by the commission pursuant to Section 2.36.040 if it meets one or more of the following criteria.

A. Historical, Cultural Importance.

1. It has significant character, interest, or value , as a part of the development, heritage, or cultural characteristics of the city, county, state or nation; or is associated with the life of a person(s) significant in the past;
2. It is the site of a historic event with a significant effect upon society;
3. It exemplifies the cultural, political, economic, social, or historical heritage of the community;

B. Architectural, engineering Importance:

1. It portrays the environments in an era of history characterized by a distinctive architectural style;

2. It embodies those distinguishing characteristics of an architectural type or engineering specimen;
3. It is the work of a designer or master builder whose individual work has significantly influenced the development of Morgan Hill;
4. It contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;

C. Geographic Importance:

1. By being part of or related to a square, park, or other distinctive area, it should be developed or preserved according to a plan based on a historic, cultural, or architectural motif;
2. Owing to its unique location or singular physical characteristics, it represents an established and familiar visual feature of a neighborhood, community, or city; or

D. Archaeological Importance:

1. It has yielded, or may be likely to yield information in pre-history.²³

3.4 California Historical Resource Status Codes

To manage all the resources in California that have been identified through some level of evaluation or survey, including those that are to be surveyed, the system of status codes was created by the State Office of Historic Preservation. The system rates resources from the most important in the history of California or the nation to those that have been surveyed and found not eligible for listing in the National Register of Historic Places, the California Register of Historic Resources of a County or Municipality's inventory of historic resources.

²³ Ord. 1111 N.S., Section 50 (part), 1992; ord; N.S. Section 50 (part), 1992: Ord 980 N.S. Section 3 (part), 1990)

California Historical Resource Status Codes

- 1 Properties listed in the National Register (NR) or the California Register (CR)**
- 1D Contributor to a district or multiple resource property listed in NR by the Keeper. Listed in the CR.
 - 1S Individual property listed in NR by the Keeper. Listed in the CR.
 - 1CD Listed in the CR as a contributor to a district or multiple resource property by the SHRC
 - 1CS Listed in the CR as individual property by the SHRC.
 - 1CL Automatically listed in the California Register – Includes State Historical Landmarks 770 and above and Points of Historical Interest nominated after December 1997 and recommended for listing by the SHRC.
- 2 Properties determined eligible for listing in the National Register (NR) or the California Register (CR)**
- 2B Determined eligible for NR as an individual property and as a contributor to an eligible district in a federal regulatory process. Listed in the CR.
 - 2D Contributor to a district determined eligible for NR by the Keeper. Listed in the CR.
 - 2D2 Contributor to a district determined eligible for NR by consensus through Section 106 process. Listed in the CR.
 - 2D3 Contributor to a district determined eligible for NR by Part I Tax Certification. Listed in the CR.
 - 2D4 Contributor to a district determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
 - 2S Individual property determined eligible for NR by the Keeper. Listed in the CR.
 - 2S2 Individual property determined eligible for NR by a consensus through Section 106 process. Listed in the CR.
 - 2S3 Individual property determined eligible for NR by Part I Tax Certification. Listed in the CR.
 - 2S4 Individual property determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
 - 2CB Determined eligible for CR as an individual property and as a contributor to an eligible district by the SHRC.
 - 2CD Contributor to a district determined eligible for listing in the CR by the SHRC.
 - 2CS Individual property determined eligible for listing in the CR by the SHRC.
- 3 Appears eligible for National Register (NR) or California Register (CR) through Survey Evaluation**
- 3B Appears eligible for NR both individually and as a contributor to a NR eligible district through survey evaluation.
 - 3D Appears eligible for NR as a contributor to a NR eligible district through survey evaluation.
 - 3S Appears eligible for NR as an individual property through survey evaluation.
 - 3CB Appears eligible for CR both individually and as a contributor to a CR eligible district through a survey evaluation.
 - 3CD Appears eligible for CR as a contributor to a CR eligible district through a survey evaluation.
 - 3CS Appears eligible for CR as an individual property through survey evaluation.
- 4 Appears eligible for National Register (NR) or California Register (CR) through other evaluation**
- 4CM Master List - State Owned Properties – PRC §5024.
- 5 Properties Recognized as Historically Significant by Local Government**
- 5D1 Contributor to a district that is listed or designated locally.
 - 5D2 Contributor to a district that is eligible for local listing or designation.
 - 5D3 Appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation.
 - 5S1 Individual property that is listed or designated locally.
 - 5S2 Individual property that is eligible for local listing or designation.
 - 5S3 Appears to be individually eligible for local listing or designation through survey evaluation.
 - 5B Locally significant both individually (listed, eligible, or appears eligible) and as a contributor to a district that is locally listed, designated, determined eligible or appears eligible through survey evaluation.
- 6 Not Eligible for Listing or Designation as specified**
- 6C Determined ineligible for or removed from California Register by SHRC.
 - 6J Landmarks or Points of Interest found ineligible for designation by SHRC.
 - 6L Determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning.
 - 6T Determined ineligible for NR through Part I Tax Certification process.
 - 6U Determined ineligible for NR pursuant to Section 106 without review by SHPO.
 - 6W Removed from NR by the Keeper.
 - 6X Determined ineligible for the NR by SHRC or Keeper.
 - 6Y Determined ineligible for NR by consensus through Section 106 process – Not evaluated for CR or Local Listing.
 - 6Z Found ineligible for NR, CR or Local designation through survey evaluation.
- 7 Not Evaluated for National Register (NR) or California Register (CR) or Needs Revaluation**
- 7J Received by OHP for evaluation or action but not yet evaluated.
 - 7K Resubmitted to OHP for action but not reevaluated.
 - 7L State Historical Landmarks 1-769 and Points of Historical Interest designated prior to January 1998 – Needs to be reevaluated using current standards.
 - 7M Submitted to OHP but not evaluated - referred to NPS.
 - 7N Needs to be reevaluated (Formerly NR Status Code 4)
 - 7N1 Needs to be reevaluated (Formerly NR SC4) – may become eligible for NR w/restoration or when meets other specific conditions.
 - 7R Identified in Reconnaissance Level Survey: Not evaluated.
 - 7W Submitted to OHP for action – withdrawn.

12/8/2003

3.5 Standards of Significance

CEQA Guidelines appendix G indicates that a project may have a significant effect on the environment if it would:

- cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5;
- cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5;
- directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature;
- disturb any human remains, including those interred outside of formal cemeteries; or
- conflict with a plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

A “substantial adverse change” to a historical resource is defined in Guidelines Section 15064.5(b) as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.” Furthermore, the 4. significance of an historic resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historical Resources; or demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources... or demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.”

For the purposes of CEQA (Guidelines Section 15064.5), the term “historical resources” shall include the following:

1. A resource listed in, or determined by the State Historical Resources Commission to be eligible for listing in, the California Register (Public Resources Code §5024.1, Title 14 California Code of Regulations, Section 4850 et seq.).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3. CEQA Section 15064.5(3) states that Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing in the California Register (Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 4852).

Under CEQA §15064.5, "generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation with Guidelines for Rehabilitating Historic Buildings shall be considered as mitigated to a level of less than a significant impact on the historical resource."

4. Evaluation following the Criteria of the California Register of Historic Resources

Context and History: Agriculture was the primary industry in the Madrone and Morgan Hill area from the mid- 1800s until the 1970s. At the time the subject building was constructed, Madrone Station had only a few buildings, primarily those associated with agriculture and the 18 Mile House. Early recordings of the property owners and uses are found in the Thompson & West Historical Atlas of Santa Clara County 1876. This does not show a building on the property, but one is shown on a 12 acre parcel also owned by Piatti north of the subject property and on the Nicholas C Murphy property. After 1930, the property at 18755 Old Monterey Road included several buildings and sheds, a chicken house and was surrounded by farm land. Currently the only building is a wood building used as a residence. The design and construction indicate a building from the 1875-1880 period but it was moved to the site in late 1920s and according to the Santa Clara County Assessor's records first recorded for tax assessment in 1930. The building is one of the oldest remaining in the Burnett Township area of The City of Morgan Hill. It exhibits the style and construction of the early development period in Burnett Township. Because the original site of the building is unknown it may have additional attributes.

After 1990, the building is the remainder of a complex of buildings that were used in operating the agriculture land surrounding this parcel when it was part of a larger holding and later the site had poultry coops.²⁴

²⁴ The Santa Clara County Assessor's records show two chicken houses on the property c. 1970.

The two families known to be closely associated with the property are those of Antonio Lo Bue and Giulio Campoli; both engaged in farming on the land adjacent to the subject parcel prior to subdividing the land.

The period of significance is 1875-1958, and the theme is shelter and architecture in early the development of Burnett Township. The building appears to be one of the oldest in the City of Morgan Hill.²⁵

The Morgan Hill Historical Context Statement for the Pioneer Settlers c. 1845-1890 states, "No architectural representatives exist from this period within the municipal boundaries of Morgan Hill. Further research and surveying may uncover representatives of the property types listed above and should be included as an appendix to this document"²⁶

The Morgan Hill Historical Context Statement for Community Development c.1857-1900 describes the development of Burnett, the coming of the railroad and the listing of U.S. Post offices. The representative buildings identified in the Context Statement begin in the 1890s making the building at 18755 Old Monterey Road older than those currently recorded.

The four criteria of the California Register of Historic Resources.

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

The building does not appear to have made a significant contribution to the broad patterns of history.

2. It is associated with the lives of persons important to local, California, or national history;

The origins of the building are unclear. It does not appear to be associated with persons important to local, California or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of a master, or possesses high artistic values;

²⁵ Further research may provide the original location of this building and thus the original owner/builder.

²⁶ Circa Historic Property Development, Historic Context Statement for the City of Morgan Hill, Final Report, City of Morgan Hill, California, Historic Context 2 Early Settlers, October 2006

The building is eligible for the CRHR under criterion 3 because the small building embodies the distinctive characteristics of c.1875-80 by exhibiting design and construction that was often frugal in the rural townships. The narrow windows and centered front door are typical of this era as styles were leaving the austerity and symmetry of Greek or Gothic Revival and approaching the Victorian era of Queen Anne design with scroll work and more decorative ornamentation. The building retains a high degree of original design and materials that is seldom found in the Morgan Hill area.

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The building is eligible under criterion 4 because buildings of this age exhibit materials and craftsmanship that are no longer in common use. This is important in understanding the construction methods of the late 1800s.

City of Morgan Hill Cultural Resources Designation Criteria (Section 18.75.030)

The Morgan Hill Cultural Resources criteria is refined to four categories. The category that applies to this building is D.

D. Architectural, engineering Importance:

1. It portrays the environments in an era of history characterized by a distinctive architectural style;

The building portrays the design and construction of wood frame, efficiently constructed rural architecture in the late 1800s

2. It embodies those distinguishing characteristics of an architectural type or engineering specimen;

The building embodies the distinguishing characteristics of the National or Folk style, an efficient and compact building design.

3. It is the work of a designer or master builder whose individual work has significantly influenced the development of Morgan Hill;

Because the building was relocated to the property, the early origins are unknown. It is unlikely to have been designed by a master designer or builder, although the construction appears very solid.

4. It contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;

The building does not represent significant innovation.

Findings: The building meets at least three of the four criteria under category D. The building is eligible for listing in the Morgan Hill Historic Resource Inventory.

5 IMPACTS OF THE PROPOSED PROJECT: Residential subdivision and six new homes

The small building on the subject parcel is eligible for listing in the California Register of Historic Resources and for listing in the Morgan Hill Historic Resource Inventory for the National design, a type and style of c. 1875-80 building that represents a period in history from which few buildings remain from the Madrone Station area or in Morgan Hill. The project proposes demolition of the building. That action creates a significant impact as defined in the guidelines for the California Environmental Quality Act.

6. MITIGATION

For the proposed project to proceed, mitigation is required to comply with the California Environmental Quality Act. Mitigation alternatives are based upon the plan by MH Engineering dated April 18, 2018.

1. The preferred mitigation is to retain the building in its existing location allowing for adaptive reuse following the Secretary of the Interior's Standards for the Treatment of Historic Property, and the Rehabilitation of Historic Buildings. The new development plan must provide a view corridor from the public sidewalk for the building. This would require redesigning the development plan and would result in the loss of one units.²⁷

2. Relocate the building on site allowing for adaptive reuse following the Secretary of the Interior's Standards for the Treatment of Historic Property, and Rehabilitation of Historic Buildings and provide a view corridor from the public sidewalk for the building. This would require redesigning the development plan and may require a reduction in units.

3. The building has been moved at least once in its history. Relocating the building off site to a location that is similar in setting and context would achieve adequate mitigation. Relocation must be provided by an experienced house mover and the building must be braced prior to lifting the building. In the new location adaptive reuse must follow the Secretary of the Interior's Standards for the Treatment of Historic Property, and Rehabilitation of Historic Buildings. The new location must provide a view corridor for the building. This would retain the existing development plan. Finding a suitable location may be challenging and this would involve additional costs of the relocation and at least stabilization of the building following The Secretary of the Interiors Standards for Stabilization of Historic Buildings.

Prior to any change to the building, the building must be photographed by a qualified photographer with experience documenting historic buildings prior to any work or relocation, and after fences have been removed. Photography may be 36mm using a

²⁷ Without a survey that overlays the exact location of the historic building it is assumed to be on Lot 4.

digital format or high-resolution film. The photographic documentation (labeled photographs, a map key and either negatives or disk with untouched images) are to be provided to the Morgan Hill Historical Society

7. APPENDIX

List of Repositories Consulted

City of Morgan Hill Building Permits
Morgan Hill Historical Museum
Santa Clara County Assessor's Office
Santa Clara County Official Records: County Recorder's Office:

References

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Interviews

Beth Wyman, chairperson of the Morgan Hill Historic Preservation Survey and author of Hiram Morgan Hill. Email 9/28/2018 regarding the building at 18755 Old Monterey Road. Not seen before.



18755 Old Monterey Road, Morgan Hill CA

Addendum #1 to the to the Historic Evaluation DPR 523 for 18755 Old Monterey Road, prepared by Urban Programmers September 28, 2018.

This addendum includes the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings

Bonnie Bamburg
Urban Programmers
10710 Ridgeview Ave.
San Jose CA 95127

408-254-7171

January 19, 2019

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

Purpose of this addendum #1 to the Historic Evaluation DPR 523 for 18755 Old Monterey Road, prepared by Urban Programmers September 28, 2018.

The purpose is to provide mitigation under CEQA for an approved subdivision that includes an existing historic resource building eligible for listing in the California Register of Historic Resources.

The 1.1 acre property at 18755 Old Monterey Road (corner of Old Monterey Road and Mustard Avenue), Morgan Hill was submitted to the City of Morgan Hill for approval of a six lot subdivision and development of 6 new houses on the lots. During the environmental review, it was determined that the existing building on the property was a historic resource under the CEQA Guidelines. The project was altered to include 5 new home sites with new homes and one parcel to retain the existing building. The building is eligible for listing in the California Register of Historic Resources and is a historic resource under the CEQA Guidelines.

The revised project will require an alteration permit under Morgan Hill Municipal Code Section 18.60.070. The alteration permit must comply with the Secretary of the Interiors Standards for the Treatment of Historic Property. The building is planned to be used as a residence and therefore must also comply with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings.

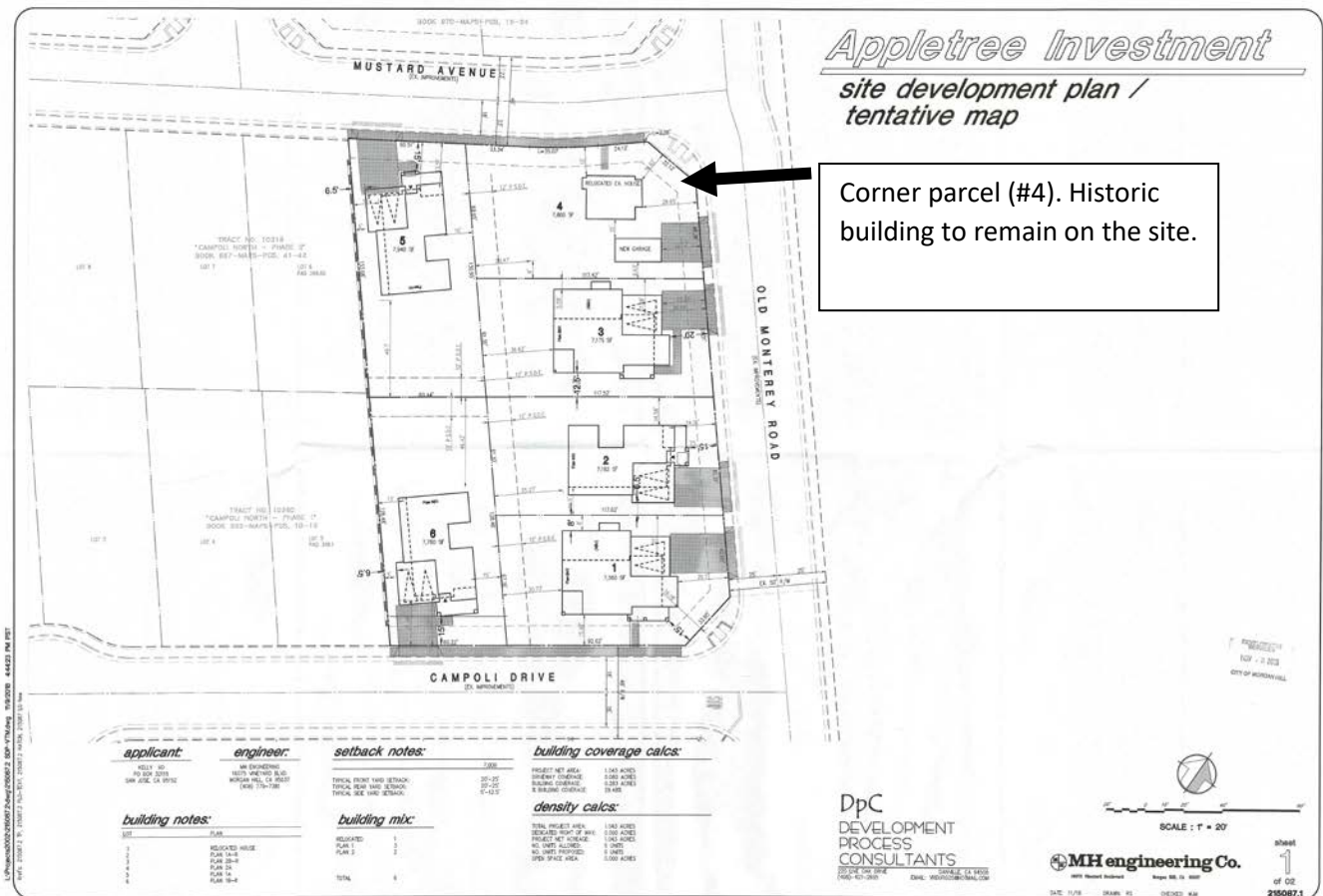


Figure 1 Site plan for the six parcel subdivision showing the historic building to remain.
Source: MH Engineering Company.

This addendum provides the Secretary of the Interiors Standards for Rehabilitation of Historic Buildings and sections from the Morgan Hill Zoning Code to apply for a permit to rehabilitate the historic building.

1. Description The historic resource building is a small, single-story wood frame and sided building with a steep pitch gable roof. The windows provide the architectural detail. The historic character of the building is found in the size, height, and shape of the building and its materials; the wood structure, wood horizontal board siding, wood window frames and sash, clear (old) glazing, the opening in the roof peak, and locations of doors and windows. The scroll work in the gable peak may not be original but has gained importance. Both front and back porches are additions, in poor condition and not historic materials. Porches will need to be replaced. The removal of a window that was replaced with a metal sliding window and infill wall should be evaluated and replaced.

Remarkably, the building has been maintained in reasonably good repair for approximately 145 years. This is due, in part, to the artisanship in the construction that must be respected.

2. The architectural plan for the rehabilitation and any addition or alteration must be prepared by a historic architect, recognized by the State of California (CRIS) and with experience rehabilitating wood buildings of this age. All historic materials and features must be identified prior to rehabilitation planning.

3. Prior to the start of the rehabilitation, the General Contractor must receive training from the historic architect on the sensitive nature of the materials and their preservation and care during rehabilitation. Prior to starting work, all workers assigned to this building must receive training regarding the care of historic materials during any work and the preservation of historic materials.

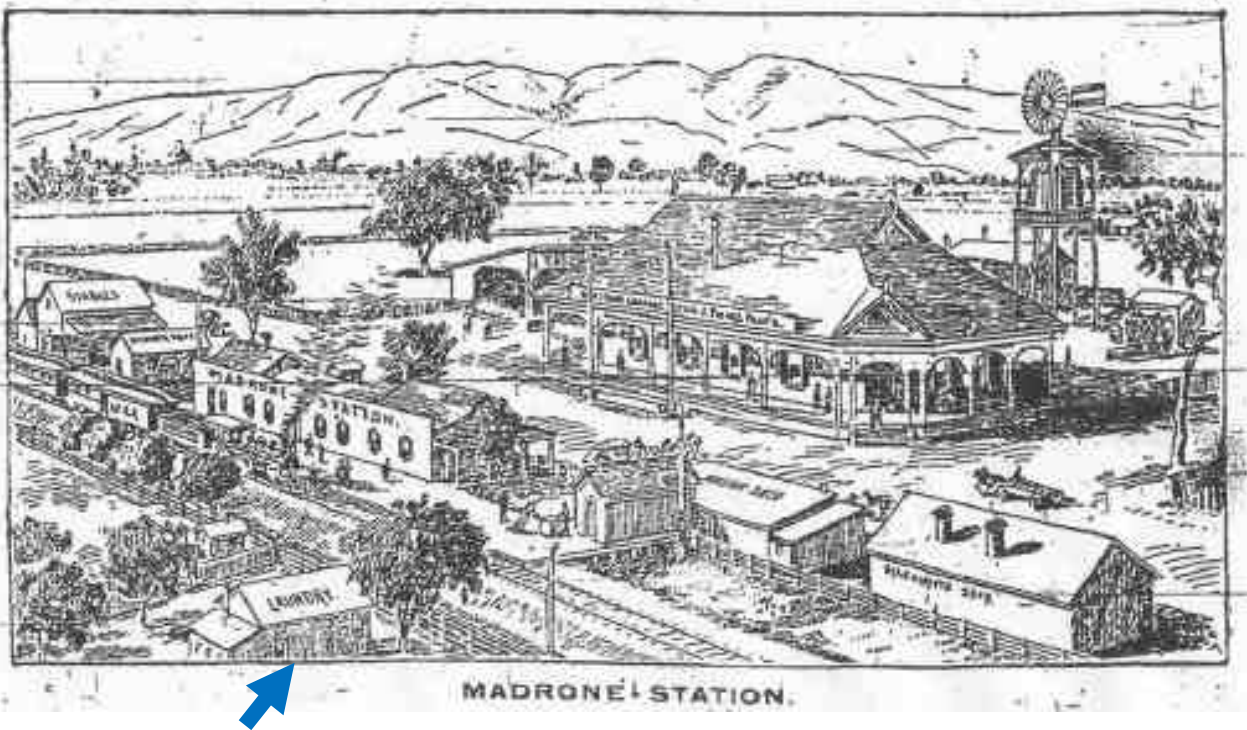
Historic Background and Historical Significance: The property was traced to the first American owner William Fisher and his wife Liberta Fisher Bull Piatti. While owned by Liberta Fisher, the 18 Mile House was constructed on the property at Madrone Station in 1857. Subsequently a small commercial center grew and a U.S. Post Office was opened in 1867. The 18 Mile House was a respite for travelers and those on the Butterfield Overland Stage. The stage also delivered the mail beginning in 1857. The 18 Mile House was in the area known as "Sherman" and "Madrone Station,," within the Burnett Township. In 1869, the San Jose-Pajaro Valley Monterey & Salinas railroad connected Burnett with San Jose to the north and Salinas to the south, as well as the Pajaro Valley and Monterey. Eventually, tracks connected to the rest of the nation. Communities began to develop at the train stops. Madrone Station served a large cattle ranching area and grew as the center around the post office, Road House and store. By 1895, Madrone included a church, school, general store, post express and telegraph office, laundry and other services.

After her death in 1905, the 140 acre property was subdivided into 10 and 20 acres lots that continued the agricultural use. Subsequent land divisions created the subject 1.1 acre parcel, with a c 1875-1880 building on the parcel. The building was moved to the site in the late 1920s and first appears on the property tax roll in this location in 1930.

Significance: The National Style, single-story wood building with three narrow double hung windows is one of the oldest buildings in Morgan Hill. The building exhibits a commercial architectural style from 1870-1880s era that is important in the history of Morgan Hill and of which very few exist. The building may be the laundry building from Madrone Station shown in an etching¹, located very close to the current site. The building retains a high degree of integrity

¹ The etching appears on the cover page of the SANTA CLARA COUNTY HERITAGE RESOURCE INVENTORY U

showing the style, materials and artisanship, with only minor alterations to the exterior, one window has been removed to allow a small metal frame (bathroom) windows in the top of the opening and an addition to the rear facade.



The building has been determined through the survey process and application to the City of Morgan Hill to be a historic resource based upon the integrity, age, style and scarcity that make the building eligible for listing in the California Register of Historic Resources under criterion 3. The building is also eligible for listing in the Morgan Hill Historic Resource Inventory due to its age, integrity and historical significance,

The Secretary of the Interior's Standards for Rehabilitating Historic Buildings.

The Secretary of the Interior's Standards for Rehabilitating Historic Buildings, were authored by the National Park Service, Cultural Resources Division, and can be found on the internet, the following sections and standards are taken from the website.

<https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>

*"Rehabilitation" is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."*¹

*The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.*¹

Some of the "standards" are shown with commentary that was included based upon the revised plan for the subdivision application that will retain the historic building in the current location.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The proposed plan shows the building to continue use as a residence. The residential use is over 78 years with little alteration to the historic building.. The continued use requires minimal change to the defining characteristics of the building and its site.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The historic character of the building is found in the size, height, and shape of the building and its materials; the wood structure, wood horizontal board siding, wood window frames and sash, clear (old) glazing, the opening in the roof peak, and locations of doors and windows. The scroll work in the gable peak should also be retained, both front and back porches are additions and not historic materials.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The rehabilitation plans have not been prepared. They must not create a false sense of history.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

The alterations to the building include, front porch, rear porch and metal sliding window (infill wall) have not acquired historic significance.

The scroll work in the peak of the roof has gained importance and must be retained.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

The distinctive features to be preserved are the wood structure, wood siding, wood window systems, gable pitch, size, shape and height of the building.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Where repair is required the repair must be made using the same materials and design as the original. The noticeable missing feature is the window that was removed and replaced with a metal sliding window. Documentation to replace this window is the three remaining windows frames and sash.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

The building is wood and must be cleaned of old paint using hand methods and low pressure water. No harsh chemicals may be used. The specifications must describe the process for cleaning the building and preparing it for new paint, and the paint.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

It is unlikely that significant archeological resources will be found during the rehabilitation. Should archeological materials be found State Law must be followed.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

No addition has been proposed

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

No addition has been proposed.

The Site and Subdivision Development

The historic building will be part of a suburban 1.1 acre subdivision with the surrounding parcels developed with two-story houses. The lots in this subdivision range from 7,940 to 7,175 square feet, and are planned for two-story houses, with the exception of the corner lot at Old Monterey Road and Mustard Avenue. There are no other historic buildings in the immediate area. The historic building has been and will be isolated from other historic buildings and have a setting within a suburban neighborhood.

Historic building parcel:

Lot 4, the subject parcel is 7,840 square feet with the historic building located on the east half of the parcel with a new single-car garage and a 20 ft wide driveway that accesses from Old Monterey Road. The orientation of the historic building and new garage are east-toward Old Monterey Road. The parcel with the historic building, Lot 4, faces Old Monterey Road and across that is a utility right-of-way and the tracks of the railroad. This is corridor creates open space separating the historic building from Monterey Road.

Site and Scale of the new houses:

The new houses are planned to be two-stories. The two parcels adjoining Lot 4, are Lot 5 to the west and Lot 3 to the south. These are planned for two-story houses. Across Mustard Avenue, the existing subdivision is two-story houses. The height of the peak in a roof for a typical two-story house is approximately 28-30 feet with the rest of the roof lower. The house to the north (lot 5) is approximately 64 feet from the back wall of the historic building with the orientation toward Mustard Avenue. The house to the east (lot 3) is approximately 33 feet from the sidewall of the historic building and orients toward Old Monterey Road. The lots 1, 2, and 6 are away from the historic building's site. The location of the historic building is close to the corner of Old Monterey Road and Mustard Avenue, with setback of 24-32 feet from the a new sidewalk, curb, gutter and improved streets, on the north and west sides of the parcel.

Effect of new development on the historic building.

Integrity:

Integrity is the ability of a property or convey its significance.. The evaluation of integrity is something a subjective judgment, but it must always be grounded in a understanding of a property's physical features and how they relate to its significance. To evaluate inte

National Register of Historic Places developed the criteria and recognized seven aspects or qualities that, in various combinations, define integrity.

SEVEN ASPECTS OF INTEGRITY

Location

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved.

Research has identified the historic building is likely on the original location or that it has been relocated close to that location. Recent research believes the building is the former laundry located in Madrone Station. The planned subdivision does not relocate the historic building.

Design

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

It appears the building has been altered very little and retains integrity of design. Rehabilitation of the building must follow the Secretary of the Interior's Standards to preserve the original design. The proposed development does not alter the historic building.

Setting

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space. Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer's concept of nature and aesthetic preferences. The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

Topographic features (a gorge or the crest of a hill);

Vegetation;

Simple manmade features (paths or fences); and

Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its surroundings. This is particularly important for districts.

The original setting in a small community of Madrone Station has been lost. This is the only building to remain. The orientation shows the relationship to the main road at that time and to the railroad tracks and station (not extant) The orientation remains to the same, only the road has been reduced to a side road and Monterey Road is on the other side of the railroad. The original setting for this historic building has been compromised by the loss of other buildings of the same era. The proposed houses will change the semi-

rural setting that has surrounded the building for many years. However, the large parcel will retain enough land to have the building be recognized as a historic building c. 1870s. The new two-story houses are distant enough that they do not overwhelm the smaller building.

Materials

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place.

A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved.

The historic building retains the majority of its exterior materials. Rehabilitation of the historic building must follow the Secretary of the Interior's Standards to preserve the historic materials. The subdivision and new homes will not diminish the historic materials of the building.

Workmanship

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques.

Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery.

The original workmanship is evident in the construction of the historic building. Rehabilitation of the historic building must follow the Secretary of the Interior's Standards to preserve the workmanship. The planned subdivision and new homes do not impact the workmanship of the historic building.

Feeling

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century. A grouping of prehistoric petroglyphs, unmarred by graffiti and intrusions and located on its original isolated bluff, can evoke a sense of tribal spiritual life.

The feeling of the original setting in a small community c. 1870s has been lost with the removal of the other historic buildings. For many years the building was in a setting of semi-rural agricultural and the feeling changed to a residence in that setting. The planned subdivision and development of new houses creates a different feeling for the historic property, one of a suburban residential area. The original feeling has not been present for a very long time. The new development preserves the historic building and allows sufficient land to allow the building to be recognized as a building of the 1870s.

Association

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character.

Like the feeling, the association to the Madrone Station is not present and has not been for many years. The planned subdivision and development of new houses does not replace the original Station association, nor does it continue the semi-rural association. The association to former historic eras is lost.

The majority of the aspects defining integrity are present in the building. The aspects of setting feeling and association have not been present for many years. Yet the historic building conveys the important aspects that convey its importance as a c 1870s building, of which there are few in Morgan Hill. The planned subdivision and development of new two-story houses changes the setting and feeling but does not diminish the historic significance of the building.

The integrity of the historic setting was diminished when the settlement of Madrone Station was destroyed and again when the orchards and farms were developed with housing subdivisions. The planned subdivision of 6 lots preserves the largest lot for the historic building that is located on the north-east corner of the parcel. The plan shows the building on the same site and location. The location of the building allows a separation from the new houses that preserves the views of the historic building.

Morgan Hill Zoning Ordinance Section 18.60 Historic Preservation

18.60.030 Local Designation of Historic Resources:.....For the purposes of this chapter, an object, building, structure, site, area, district, unique archaeological resource, place, record, or manuscript may be classified a designated historical resource and placed on the local register by the planning commission pursuant to Section 2.36.040 if it is determined through survey and documentation to be a "Historical Resource" as defined in this chapter, which are determined to have (a) age, (b) integrity and (c) historical significance as defined by this chapter

18.60.070 – Historical Alterations Permit

A. When Required. Unless waived pursuant to paragraph 18.62.030.E, it is unlawful for any person to alter or modify character-defining features of a potentially significant or significant historical resource, a resource that has been formally designated or listed on the City's adopted survey list, or which lies within an historic district, without first obtaining a Historical Alteration Permit as outlined below. Neither the Community Development Director nor the Building Official shall grant any permit to carry out such work without the approval of a Historical Alteration Permit.

B. Application. If a Historical Alteration Permit is required pursuant to Section 18.60.040, the following procedures will be followed in processing the permit application:

1. Historical Alteration Permit applications shall be submitted to the Community Development Department for review and approval. Applications shall be accompanied by materials as required by the Community Development Director and reasonably necessary for the proper review of the project, including but not limited to information regarding the age and construction of a building or structure and building permit records;
2. The Community Development Director or designated staff shall determine whether the application will be processed as "minor" or "major" historical alteration permit;

a. "Minor" historical alteration permits shall apply to alterations with a valuation of less than \$10,000 or as determined to be minor by the community development director.

b. "Major" historical alteration permits shall apply to alterations with a valuation of \$10,000 or greater.

3. City Staff will review applications for compliance with the Secretary of the Interior's Standards and may require that the applicant deposit funds for the City to retain the services of a qualified historic consultant if necessary;

4. Environmental review of a historical alteration permit application will be required as follows:

a. If the proposed alteration or modification is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the potential impact on historical resources shall be considered less than significant and the project would be exempt from CEQA unless other factors are identified which could cause other potentially significant environmental impacts.

b. If the proposed alteration or modification is not in compliance with the Secretary of the Interior's Standards then CEQA review will be required.

5. Historical Alteration Permit applications (both minor and major) will require the review and approval of the Community Development Director or designated staff, except as provided below:

a. Any application involving preparation of an initial study, negative declaration or environmental impact report shall be referred to the Planning Commission for approval at a duly noticed public hearing.

b. The Community Development Director may also require a historical alteration permit application to be reviewed and approved by the planning commission at his/her discretion.

6. As part of the review process, the Community Development Director or Planning Commission may impose conditions on a project to bring the proposed work into compliance with the Secretary of the Interior's Standards.

7. The Community Development Director or Planning Commission decision to approve or deny a Historical Alteration Permit or to impose conditions on a project may be appealed in accordance with Chapter 18.112 (Appeals).

18.60.120 – Enforcement and Penalties;

A. Methods of Enforcement. In addition to the regulations of this chapter, other chapters of the Municipal Code and other provisions of law which govern the approval or disapproval of applications for permits or licenses covered by this chapter, the Community Development Director and Building Official have the authority to implement the enforcement thereof by any of the following means:

1. Serving notice requiring the removal of any violation of this chapter upon the owner, agent, occupant or tenant of the improvement, building, structure or land;

2. Calling upon the City Attorney to institute any necessary legal proceedings to enforce the provisions of this chapter, and the City Attorney is authorized to institute any actions to that end; and

3. Calling upon the Chief of Police and authorized agents to assist in the enforcement of this chapter.

B. Injunctive Relief. In addition to any of the remedies described in Subsection A above, the City Attorney may maintain an action for injunctive relief to restrain or enjoin or to cause correction or removal of any violation of this chapter, or for an injunction in appropriate cases.

C. Restoration. Any person who demolishes, alters, or constructs a building or structure in violation of this act shall be required to restore the building or structure and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the city attorney. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

Recommendation: To mitigate the loss of the original setting, it is proposed that a substantial plaque be placed in the new sidewalk in front of the historic building to describe Madrone Station and the significance of this building.

Appendix B
Campoli Residential Project Archaeological Literature Search



holman & ASSOCIATES

Archaeological Consultants

"SINCE THE BEGINNING"

3615 FOLSOM ST. SAN FRANCISCO,
CALIFORNIA 94110 415/550-7286

Julie Wright
David J. Powers & Associates
1871 The Alameda
San Jose, CA 95126

July 24, 2012

Dear Ms. Wright:

RE: CULTURAL RESOURCES STUDY OF THE CAMPOLI RESIDENTIAL PROJECT
AREAS, MORGAN HILL, SANTA CLARA COUNTY, CALIFORNIA

At your request I have completed an archaeological field inspection and a new archaeological literature review for the above referenced project area in Morgan Hill, Santa Clara County, California. No evidence of historic or prehistoric archaeological resources was discovered during my inspection. The following is a summary of information gained to date.

PROJECT DESCRIPTION

The proposed project area consists of a total of 4 lots located between Madrone Road on the northwest, Sanchez Drive on the southeast, and Hale Avenue on the west. Located on the Morgan Hill U.S.G.S. map, the parcels are comprised of a single rectangular shaped parcel (parcel 10) of 2.36 acres bordering Madrone Road, and three separate parcels which border parcel 10 on its northwestern side; each of these adjacent parcels are approximately 0.6 acres in size, containing structures (not evaluated for this report) and/or the remnants of orchards and other signs of agricultural use.

ARCHAEOLOGICAL LITERATURE REVIEW

An updated archaeological literature review was done by this author at the Northwest Information Center (NWIC) located in Rohnert Park on March 9, 2012 (NWIC file no. 11-0994). In the past 11 years, no new archaeological materials have been found inside and/or near the current project areas. In 2001 this author prepared a report for Powers & Associates for the adjacent 30 acre parcel then known as the Roman Catholic Diocese High School project. No archaeological materials were found at that time, and no traces of an historic site recorded in the 1990s north of the High School site were found inside the parcel.

CAMPOLI COX CULTURAL RESOURCE STUDY

DESCRIPTION OF FIELD INSPECTION

A visual inspection of the 4 lots was conducted by this author on March 22, 2012 by walking 30 foot transects over the open portions of the property. The Campoli Residences parcel, made up of the single 2.36 acre piece, consist of mostly open field, with a house in the center; at the time of the survey the open space was covered by a dense covering of high grasses and weeds, restricting a visual inspection of the ground surface to less than 20% of the ground. The property also contains the remnants of a walnut orchard.

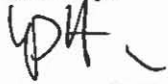
Where visible the soils consist of a silty clay loam similar to the adjacent High School site, containing scant amounts of water worn small gravels. No evidence of either historic or prehistoric archaeological deposits was seen.

The adjacent three contiguous parcels, known also as the Campoli Cox parcel, contains walled in field on the west and north. The soils visible consist of the same silty clay loam, much of which was obscured either by dense grasses or numerous piles of dumped fill material. Farm equipment and several small sheds are seen inside the parcels, along with the remnants of the walnut orchard seen on the adjacent parcel.

FINDING/RECOMMENDATIONS

In summary, no evidence of either historic and/or prehistoric archaeological deposits was seen anywhere inside the project area. It is the opinion of this author that future development will have no effect on cultural resources. This report makes no further recommendations for mechanical subsurface presence/absence testing and does not recommend archaeological monitoring during construction related grading and/or trenching.

Sincerely,



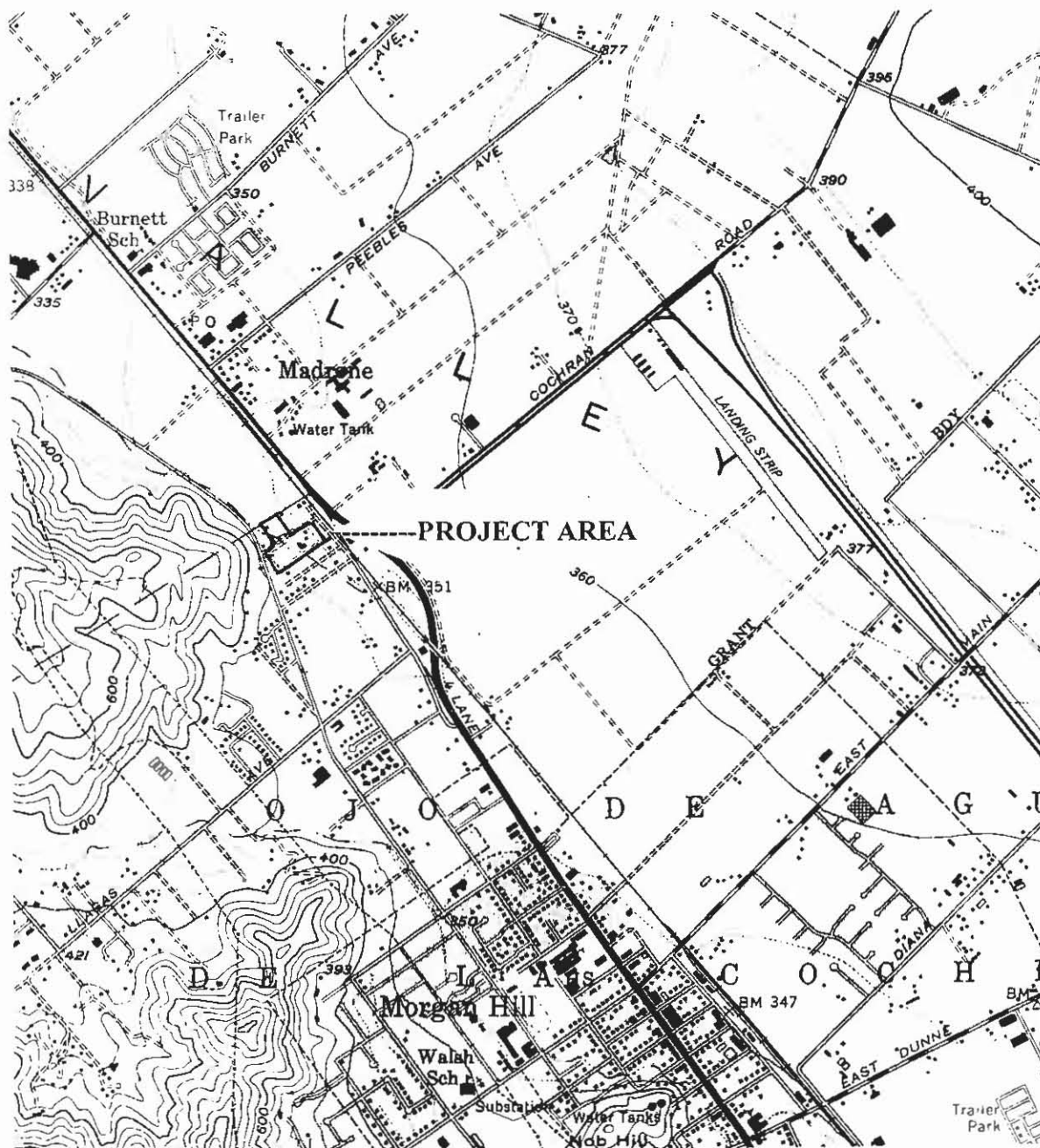
Miley Paul Holman
Holman & Associates

REFERENCES

- | | |
|-----------------------|---|
| Holman, Miley
2001 | Cultural resources study of the Roman Catholic Diocese of San Jose High School site, Morgan Hill, Santa Clara County, California. On file, Holman & Associates. |
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CAMPOLI RESIDENTIAL PROJECTS

MORGAN HILL, SANTA CLARA COUNTY, CALIFORNIA
MORGAN HILL U.S.G.S. MAP



Appendix C
Campoli Residential Project Noise and Vibration Assessment

Memo

To: Julie Wright
David J. Powers & Associates, Inc.

Date: May 3, 2012

From: Jordan L. Roberts

Subject: North Campoli Drive Residential Project in Morgan Hill, CA - Noise and Vibration Assessment

Two residential projects are proposed in Morgan Hill that would be adjacent to Old Monterey Road and near the Union Pacific Railroad line (UPRR) that serves CalTrain. The North Campoli Drive Project proposes 10 single-family homes and the South Campoli Drive Project proposes 11 single-family homes. A noise and vibration analysis was conducted previously for the Madrone Villages Project at the adjacent Hale-Signature project site. The purpose of this memo is to describe that analysis and apply those results to the North Campoli Drive Residential project.

Results from Hale Signature Project Assessment

The Hale-Signature Project noise and vibration assessment evaluated the project's potential to result in significant impacts with respect to applicable CEQA guidelines. Two long-term measurements established ambient noise levels attributable to nearby sources. LT-1 was located at the setback of existing and proposed residences, 85 feet from the centerline of the Union Pacific Railroad (UPRR) and about 195 feet from the centerline of Monterey Highway. Noise levels measured at this site were primarily the result of railroad train passbys, yielding an Ldn that ranged from 70 to 72 dBA. LT-1 represents the noise environment at residences on easternmost portions of the Hale Signature Project site. Site LT-2 was approximately 45 feet from the center of Hale Avenue/Santa Teresa Boulevard, and was selected to quantify the daily trend in noise levels attributable to traffic along the roadway. The Ldn at this location was 70 dBA. Residential units at the western portion of project sites would be located further away from the roadway than this measurement location, resulting in lower ambient noise levels.

Additionally, short-term noise measurements ST-1 through ST-4 were made at various locations throughout the project site representative of proposed noise-sensitive residential land uses. Ldn noise levels at short-term measurement sites were approximated by correlating them to corresponding periods at long-term sites. ST-1 was located 195 feet from the center of Monterey Highway, and a calculated Ldn ranging from 70 to 72 dBA was a result of Monterey Highway traffic only, there were no train passbys during the measurement. ST-2 was located 180 feet from the center of Hale Avenue/Santa Teresa Boulevard, which resulted in a calculated Ldn of 55 dBA. An Ldn of 65 dBA was calculated from ST-3 data, measured 280 feet from the center of UPRR and 390 feet from Monterey Highway and

included an Amtrak train passby. ST-4 was located 195 feet from the center of Monterey Highway and resulted in a calculated Ldn ranging from 70 to 72 dBA.

Application to North Campoli Drive Residential Project

Noise and Land Use Compatibility

A significant impact would occur if residential land uses proposed by the project would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from railroad noise. Future noise levels would not exceed the City's noise and land use compatibility standards. The North Campoli Drive project is located immediately south and adjacent to the Hale-Signature project site and proposes 10 single family homes that would be set back further from Monterey Highway, Hale Avenue and the UPRR than the Hale-Signature project. The North Campoli Drive Residential project is much smaller than the Hale-Signature project.

North Campoli Drive residences would be located no closer than 260 feet from the centerline of UPRR and 375 feet from the centerline of Monterey Highway. Assuming sound attenuation due to distance, noise levels are calculated to be 64 to 66 dBA L_{dn} at the easternmost areas of the project site. Since noise levels at these locations would be less than 70 dBA L_{dn} and dominated by railroad noise, this is a less than significant impact.

Residences proposed on the North Campoli Drive site would be no closer than 205 feet from the centerline of Hale Avenue/Santa Teresa Boulevard. Noise levels are calculated to be 54 dBA Ldn at westernmost residential facades. Since noise levels from traffic would be less than 60 dBA Ldn at these locations, this is a less than significant impact.

Construction Noise

Construction of the North Campoli Drive Residential project would expose nearby existing residences to construction noise comparable to construction noise assessed for the Hale-Signature Project in the Madrone Villages Noise and Vibration Assessment. Noise levels generated by project construction activities would temporarily elevate ambient noise levels at sensitive land uses in the vicinity. Although detailed schedules and phasing of construction activities are unknown at this time, construction activities on site would be limited to no more than one construction season.

Typically, significant noise impacts do not result when standard construction noise control measures are enforced at the project site and when the duration of the noise generating construction period is limited to one construction season (typically one year) or less. Noise generated by grading, infrastructure improvements and the construction of building shells would not be expected to result in noise levels exceeding 60 dBA L_{eq} and the ambient noise environment by 5 dBA L_{eq} for a period greater than one year.

The following standard controls are assumed to be included in the project:

- Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Implementation of the above measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures, and recognizing the duration of project construction activities, the substantial temporary increase in ambient noise levels would be less-than-significant.

Mitigation Measure: No additional measures required.

Groundborne Vibration from Construction

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used, but would not expose persons to excessive groundborne vibration. Construction activities would include site preparation work, foundation work, and new building framing and finishing. The proposed project would not require pile driving, which can cause excessive vibration.

Consistent with Hale-Signature Project impacts, vibration generated by construction activities near common property lines would at times be perceptible, however, would not be expected to result in "architectural" damage to buildings. This is a less-than-significant impact.

In areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and it would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (demolition and use of jackhammers and other high power tools). By use of administrative controls such as notifying adjacent commercial shops of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with the least potential to affect these uses, perceptible vibration can be kept to a minimum and as such would not result in a significant impact with respect to perception.

12-044

JLR

Memo

To: Julie Wright
David J. Powers & Associates, Inc.

Date: May 3, 2012

From: Jordan L. Roberts

Subject: South Campoli Drive Residential Project in Morgan Hill, CA - Noise and Vibration Assessment

Two residential projects are proposed in Morgan Hill that would be adjacent to Old Monterey Road and near the Union Pacific Railroad line (UPRR) that serves CalTrain. The North Campoli Drive Project proposes 10 single-family homes and the South Campoli Drive Project proposes 11 single-family homes. A noise and vibration analysis was conducted previously for the Madrone Villages Project at the adjacent Hale-Signature project site. The purpose of this memo is to describe that analysis and apply those results to the South Campoli Drive Residential project.

Results from Hale-Signature Project Assessment

Hale-Signature Noise

The Hale-Signature Project noise and vibration assessment evaluated the project's potential to result in significant impacts with respect to applicable CEQA guidelines. Two long-term measurements established ambient noise levels attributable to nearby sources. LT-1 was located at the setback of existing and proposed residences, 85 feet from the centerline of the Union Pacific Railroad (UPRR) and about 195 feet from the centerline of Monterey Highway. Noise levels measured at this site were primarily the result of railroad train passbys, yielding an Ldn that ranged from 70 to 72 dBA. LT-1 represents the noise environment at residences on easternmost portions of the Hale Signature Project site. Site LT-2 was approximately 45 feet from the center of Hale Avenue/Santa Teresa Boulevard, and was selected to quantify the daily trend in noise levels attributable to traffic along the roadway. The Ldn at this location was 70 dBA. Residential units at the western portion of project sites would be located further away from the roadway than this measurement location, resulting in lower ambient noise levels.

Additionally, short-term noise measurements ST-1 through ST-4 were made at various locations throughout the project site representative of proposed noise-sensitive residential land uses. Ldn noise levels at short-term measurement sites were approximated by correlating them to corresponding periods at long-term sites. ST-1 was located 195 feet from the center of Monterey Highway, and a calculated Ldn ranging from 70 to 72 dBA was a result of Monterey Highway traffic only, there were no train passbys during the measurement. ST-2 was located 180 feet from the center of Hale Avenue/Santa

Teresa Boulevard, which resulted in a calculated Ldn of 55 dBA. An Ldn of 65 dBA was calculated from ST-3 data, measured 280 feet from the center of UPRR and 390 feet from Monterey Highway and included an Amtrak train passby. ST-4 was located 195 feet from the center of Monterey Highway and resulted in a calculated Ldn ranging from 70 to 72 dBA.

Hale-Signature Vibration

Vibration measurements of railroad trains were made at one location approximately 80 feet from the UPRR tracks, representing the easternmost boundaries of the nearest residential lots proposed at the Hale-Signature project site. Vibration levels measured on the site are representative of vibration levels at ground level (i.e. vibration levels that would enter the building foundation).

Caltrain passbys resulted in maximum overall levels ranging from 72 to 73 VdB. Data collected during the vibration monitoring survey were compared to data collected near Tilton Avenue in 2006 to confirm that the sample was representative. Vibration levels measured between 80 feet and 90 feet of the UPRR were below the FTA's 75 VdB "occasional events" criteria for a general vibration assessment and below the FTA's criteria for conducting a detailed vibration analysis.

Application to South Campoli Drive Residential Project

Noise and Land Use Compatibility

A significant impact would occur if residential land uses proposed by the project would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from railroad noise. The South Campoli Drive Project proposes 11 single family houses. This project is adjacent to Old Monterey Road with a setback from the UPRR that is similar to building setbacks of the Hale-Signature Project. The South Campoli Drive Residential project is smaller than the Hale-Signature project.

South Campoli Drive residences would be located no closer than 100 feet from the centerline of UPRR and 250 feet from the centerline of Monterey Highway. Assuming sound attenuation due to distance, noise levels are calculated to be 69 to 71 dBA L_{dn} at the easternmost areas of the project site.

The future exterior noise environment at residential land uses proposed adjacent to the UPRR and Monterey Highway would exceed 60 dBA Ldn from traffic noise and 70 dBA Ldn from railroad noise. Future noise levels would exceed the City's noise and land use compatibility standards. However, it is assumed that the private outdoor use areas of Lots 10 and 11, adjoining the UPRR, would be shielded by the residential units themselves, providing a minimum of 10 dB noise attenuation at exterior use areas.

Residences proposed on the South Campoli Drive site would be no closer than 205 feet from the centerline of Hale Avenue/Santa Teresa Boulevard. Noise levels are calculated to be 54 dBA L_{dn} at westernmost residential facades. Since noise levels from traffic would be less than 60 dBA L_{dn} at these locations, this is a less than significant impact.

Corresponding with the future interior noise environment of the Hale-Signature project, the design of eastern residences of the South Campoli Drive Project will require proper wall construction techniques, the selections of proper windows and doors, and the incorporation of a forced-air mechanical ventilation system to allow the occupant the option of controlling noise by closing the windows. Additional treatments may include, but are not limited to, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc.

Mitigation Measure:

The following measures shall be included in the design of the project:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for units throughout the site, so that windows could be kept closed at the occupant's discretion to control interior noise and achieve the interior L_{max} and L_{dn} noise standards.
- Provide sound rated windows and doors to maintain interior noise levels at acceptable levels. Preliminary calculations made based on the data contained in the conceptual design plans indicate that sound-rated windows and doors with a sound transmission class rating of STC 38 to 43 would be sufficient to control maximum instantaneous noise levels to 50 dBA L_{max} in bedrooms, 55 dBA L_{max} in other habitable rooms, and to also achieve the 45 dBA L_{dn} interior noise standard. Additional treatments may include, but are not limited to, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible. Bedrooms should be located away from the UPRR.
- Confirm the final specifications for noise insulation treatments during final design of the project, based on the best available data regarding future usage assumptions for the UPRR and HST alignments. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.

The implementation of the above measures would reduce exterior and interior noise level to acceptable levels, resulting in a less-than-significant impact.

South Campoli Drive Vibration

The easternmost boundaries of residential lots proposed for the South Campoli Drive site would be at about the same setbacks from the UPRR railroad tracks as easternmost boundaries of Hale-Signature Project residences. Therefore, maximum overall levels ranging from 72 to 73 VdB would be expected at these residential boundaries as well, and would also be below the FTA's 75 VdB "occasional events" criteria for a general vibration assessment. No mitigation would be required.

Construction Noise

Construction of the South Campoli Drive Residential project would expose nearby existing residences to construction noise comparable to construction noise assessed for the Hale-Signature Project in the Madrone Villages Noise and Vibration Assessment. Noise levels generated by project construction activities would temporarily elevate ambient noise levels at sensitive land uses in the vicinity. Although detailed schedules and phasing of construction activities are unknown at this time, construction activities on site would be limited to no more than one construction season.

Typically, significant noise impacts do not result when standard construction noise control measures are enforced at the project site and when the duration of the noise generating construction period is limited to one construction season (typically one year) or less. Noise generated by grading, infrastructure improvements and the construction of building shells would not be expected to result in noise levels exceeding 60 dBA L_{eq} and the ambient noise environment by 5 dBA L_{eq} for a period greater than one year.

The following standard controls are assumed to be included in the project:

- Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Implementation of the above measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures, and recognizing the duration of project construction activities, the substantial temporary increase in ambient noise levels would be less-than-significant.

Mitigation Measure: No additional measures required.

Groundborne Vibration from Construction

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used, but would not expose persons to excessive groundborne vibration. Construction activities would include site preparation work, foundation work, and new building framing and finishing. The proposed project would not require pile driving, which can cause excessive vibration.

Consistent with Hale-Signature Project impacts, vibration generated by construction activities near common property lines would at times be perceptible, however, would not be expected to result in "architectural" damage to buildings. This is a less-than-significant impact.

In areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and it would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (demolition and use of jackhammers and other high power tools). By

use of administrative controls such as notifying adjacent commercial shops of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with the least potential to affect these uses, perceptible vibration can be kept to a minimum and as such would not result in a significant impact with respect to perception.

12-044

JLR

Appendix D
Campoli Residential Project TAC & PM_{2.5} Analysis

Memo

To: Julie Wright
David J. Powers & Associates, Inc.

Date: April 25, 2012

From: James A. Reyff

Subject: Campoli Residential Projects in Morgan Hill, CA - TAC and PM_{2.5} Assessment

Two residential projects are proposed in Morgan Hill that would be adjacent to Old Monterey Road and near the Union Pacific Railroad line (UPRR) that serves CalTrain. The number of residences proposed by these projects is below the screening size recommended in the Bay Area Air Quality management (BAAQMD) CEQA Air Quality Guidelines for conducting quantified emissions analysis. Therefore, the impact from these projects on air quality in terms of their effect from air pollutant emissions could be considered less than significant. That is, they would not cause or contribute to a violation of an ambient air quality standard nor would they result in cumulatively considerable emissions of an air pollutant (or precursor air pollutant) that the air basin is considered non attainment. However, project construction emissions could cause localized impacts to nearby residences and existing sources of traffic and train emissions could adversely affect future residences of the proposed project. An analysis of these impacts was conducted previously for the Hale-Signature Project, which is adjacent to these projects. The purpose of this memo is to describe that analysis and apply those results to the Campoli Residential projects.

The Hale-Signature air quality and greenhouse gas emissions assessment evaluated the effect of toxic air contaminant (TAC) emissions in two ways:

1. An analysis of health risk impacts at nearby existing residences caused by project emissions of TACs during construction.
2. Analysis of long-term roadway and train emissions of TACs upon future sensitive receptors (new project residences) in terms of health risk.

Results of these assessments are applied to the Campoli projects.

TAC Construction Impacts

Construction of the Campoli Residential projects would emit TACs that could affect nearby existing residences in terms of increased cancer risk and PM_{2.5} concentrations.

Results from Hale Signature Project Assessment

Construction TAC and PM_{2.5} impacts for the Hale-Signature project were assessed previously. TAC emissions, in the form of diesel particulate matter or DPM, from construction of about 108 residential units were computed and then input to a dispersion model to predict concentrations of fine particulate matter (PM_{2.5}). Specifically, emissions were computed using the URBEMIS2007 model along with projected construction activity. The project information and preliminary construction schedule was entered into the URBEMIS2007 model, which predicted anticipated construction and associated emissions. Construction of the project was expected to occur over three years, 2013 through 2015. The URBEMIS2007 model provided annual PM_{2.5} exhaust emissions (assumed to be all diesel particulate matter) for the off road construction equipment.

The U.S. EPA ISCST3 dispersion model was used to predict concentrations of DPM at existing residences surrounding the project site. The ISCST3 modeling included area sources to represent the project construction area. Receptors were coded into the model to represent positions where existing residences are located relative to construction activities. Receptor locations are meant to represent positions where sensitive receptors could have prolonged exposure to construction emissions. These emissions were modeled as occurring during the daytime only. Emissions for each of the construction years were modeled. The model used a 5-year data set of hourly meteorological data collected at San Martin Airport. Annual concentrations from construction activities were predicted for each construction year (2013 – 2015), with the concentrations for each construction year based on the 5-year average concentrations from modeling 5 years of meteorological data.

Increased cancer risks were calculated using the maximum modeled annual concentration and BAAQMD recommended risk assessment methods for both a child exposure (3rd trimester through 2 years of age) and for an adult exposure. Since the modeling was conducted assuming emissions occurred 365 days per year, the default OEHHA¹ exposure period of 350 days per year was used.

Results of that assessment indicate a incremental child cancer risk of 9.4 excess cancer cases per million and the adult incremental cancer risk is 0.5 excess cancer cases per million. This cancer risk is below the BAAQMD's threshold of 10 in one million excess cancer cases per million. As a result, the project would have a less than significant impact with respect to community risk caused by construction activities.

Application to Campoli Residential Projects

The Campoli North project is located immediately adjacent to the Hale-Signature project. This project proposes 10 single family houses that would be set back further from Monterey Highway, Hale Avenue and the UPRR than the Hale-Signature project. The South Campoli Drive Project proposes 11 single family houses. This project is adjacent to the Old Monterey Road with a setback to the UPRR that is similar to the Hale-Signature project.

Both Campoli Residential projects are much smaller than the Hale-Signature project. As a result, TAC emissions during construction would be much lower. Therefore, cancer risk and PM_{2.5} concentrations would be lower than those predicted for the Hale-Signature project. Cancer risk associated with these projects would be less than 9.4 excess cancer cases per million and PM_{2.5} concentrations would be less than 0.1 µgm³. This impact would be considered less than significant.

¹ OEHHA 2003. Air Toxics Hot Spots Program Risk Assessment Guidelines, *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Office of Environmental Health Hazard Assessment. August 2003.

Roadway and Train TAC and PM_{2.5} Impacts

Both the Campoli Residential projects are in close proximity to existing TAC sources, identified as Monterey Highway and trains using the UPRR.

The Hale-Signature project evaluated TAC and PM_{2.5} impacts from Monterey Highway and trains using the UPRR upon new sensitive receptors or future residences associated with the project. Stationary sources of substantial TAC or PM_{2.5} emissions were not identified near the project site.

Roadway TAC and PM_{2.5}

Monterey Highway is a busy arterial roadway near the project site with an estimated 39,300 daily trips (2-way) between Peebles Avenue and Madrone Parkway (according to City's General Plan Circulation Element traffic study). New residences developed by the project would be about 150 feet or further from this roadway. The BAAQMD provides screening tables that indicate predicted community risk impacts that roadways pose. At 100 feet from the Monterey Highway, these tables indicate cancer risk would be less than 7.2 cases per million and at 100 feet and PM_{2.5} concentrations would be less than 0.26 µg/m³. These levels are below the BAAQMD significance thresholds, and therefore, the exposures would be considered less than significant. Hale Avenue has much less traffic and a greater setback, so the exposures are less than Monterey Highway. The Campoli North project has a setback further from Monterey Highway than the closest proposed residence with the Hale-Signature project, so levels of TACs and PM_{2.5} would be less. The South Campoli Drive project has a setback similar to the Hale-Signature project, so exposures would be similar.

Train TAC and PM_{2.5}

Impacts from trains upon the Hale-Signature project were also predicted. The UPRR line runs parallel to Old Monterey Road and is adjacent to the northeastern property boundaries of the Campoli property. The UPRR is used by trains for passenger and freight service. Along this portion of the UPRR line CalTrain operates 3 trains per weekday between Gilroy and San Jose, Amtrak has one passenger train daily, and there about 6 freight trains daily.

DPM and PM_{2.5} emissions from trains on the UPRR rail line were computed using EPA emission factors for locomotives and CARB adjustment factors to account for fuels used in California. Each passenger train was assumed to use one locomotive. Although the freight trains may have more than one locomotive, it was assumed that for this section of the rail line, which is relatively level, only one locomotive would be powering the trains. Emissions from the freight trains were calculated assuming they would use locomotives with 4,300 hp engines and would be traveling at about 60 mph with the engines operating at about 60% load. Passenger train locomotives were assumed to have 3,200 hp engines operating at 60% load and would be traveling at 60 mph. Emissions were calculated for years 2014, 2015, 2020, and 2025. Electrification or use of Electro-Multiple Units are part of CalTrain's future plans, but were not incorporated into the study.

Similar to construction impacts, dispersion modeling of locomotive emissions was conducted using EPA's ISCST3 model and a five-year set of hourly meteorological data for the San Martin Airport. Locomotive emissions were modeled as a line source (series of volume sources) along the rail line in the vicinity of project. Concentrations were calculated at receptor locations within the project site where residential development would occur.

Using the maximum modeled long-term average DPM concentration, the maximum individual cancer risk at the project site was computed. The factors used to compute cancer risk are highly dependent on

modeled concentrations, exposure period or duration, and the type of receptor. The exposure level is determined by the modeled concentration. This assessment conservatively assumed long-term residential exposures for a nearly-continuous exposure of 70 years. It should be noted that the cancer risk calculations applied the BAAQMD-recommended Age Sensitivity Factors to the cancer risks for residential exposures, accounting for age sensitivity to toxic air contaminants.

The maximum increased cancer risk from train traffic was computed as 4.2 per million for the Hale-Signature property. This was modeled at the receptor closest to railroad line, about midway along the northeastern portion of the Hale-Signature site closest to Monterey Road. Cancer risks at other residential areas within the Hale-Signature project site would be lower than the maximum cancer risk. The maximum average PM_{2.5} concentration of 0.03 µg/m³ occurred at the same receptor that had the maximum cancer risk. The maximum predicted cancer risk and PM_{2.5} concentration for the Hale-Signature project is below the BAAQMD significance thresholds for cancer risk and PM_{2.5} exposure.

Similar to Monterey Highway impacts, the Campoli Residential projects have setbacks from the UPRR that are similar or greater than the Hale-Signature project. Therefore, TAC and PM_{2.5} exposure would be equal or less and insignificant.

Cumulative TAC Sources

The combination of roadway and train TAC and PM_{2.5} emissions were found result in concentrations at the Hale-Signature project that are well below any of the cumulative TAC thresholds recommended by BAAQMD. A similar finding would apply to the Campoli Residential projects.

12-044

JR

Appendix E
Hydraulic Analysis

1171 Homestead Rd., Suite 255
Santa Clara, CA 95050-5485
t. 408-246-4848
f. 408-246-5624
s&w@swwsv.com

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

MEMORANDUM

TO: Caroline Weston, David J. Powers & DATE: February 28, 2019
Associates, Inc.

FROM: Katie Hogan JOB#: DPOW.107
Caitlin Gilmore, PE

SUBJECT: Old Monterey Road Hydraulic Study

Introduction

A 1 acre site is proposed to be developed along Old Monterey Road between Campoli Drive and Mustard Avenue in Morgan Hill, California, as shown in Figure 1. The attached FEMA FIRM Map shows that the project site is located in a FEMA Flood Hazard Zone D identified as an area not previously studied. The site's proximity to Fisher Creek warrants investigation to determine the 100-year water surface elevations along the channel in this area. Schaaf & Wheeler completed a hydrologic and hydraulic analysis of the relocation of Fisher Creek for the nearby Madrone Village development and Clove Avenue bridge crossing documented in the "Madrone Villages Morgan Hill Hydrology Study" dated September 2012. This study was used as the basis for the Old Monterey Road Site analysis and is included as an attachment to this memorandum.

Analysis

Hydrology

The HEC-1 hydrologic analysis performed for the Madrone Villages development study remained unchanged. The previous study mentions that the Butterfield Channel was to be completed and operating in 2012; however, the channel is not functioning for flood relief at this time. The discharges used for this study therefore assume that the Butterfield Channel is not completed, and flows from the Ventana Basin east of the railroad continue to discharge to Fisher Creek. This configuration is more conservative producing higher flows on Fisher Creek.

Hydraulics

An unsteady HEC-RAS model was developed for the Madrone Villages Study using post-project discharges on Fisher Creek summarized in Table 1. The post-project model for Madrone Villages was run using HEC-RAS version 5.0.6 to determine the existing conditions water surface elevations at the Old Monterey Site. This model includes the realignment of Fisher Creek and the Clove Avenue channel crossing. Slight changes in water surface elevations as compared to the previous study are attributed to model version updates. The right overbank of cross section 3765.056 was extended to bound the 100-year water surface elevation using 2006 Santa Clara LiDAR data.

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

Table 1. 100-year Discharge Summary

Location	100yr Q (cfs)
4013.781	266
3489.31	336

Results

The hydraulic results show that the Old Monterey development is not located within the 100-year floodplain from Fisher Creek and is within a Zone X floodplain designation. Based on 2006 Santa Clara County LiDAR, the site is at an approximate elevation of 352 feet, and the water surface is approximately 349.10 feet. Table 2 summarizes the 100-year water surface elevations. All elevations reference the NAVD 1988 datum. Cross sections 3489.31 and 3765.056 represent the topography near the project site and are included in Figures 2 and 3. Figure 4 shows the 100-year floodplain boundary in relation to the project site

Table 2. 100-year Water Surface Elevation Summary

River Station	WSE (FT)
4013.781	349.47
3765.056	349.14
3489.31	348.46

Conclusions

The proposed project site is located outside of the 100-year water surface elevation for Fisher Creek and would be located within a Zone X FEMA flood hazard zone. Further hydraulic analysis is not required for proposed site grading; however, proposed structures should be constructed so that finished floor elevations meet local and federal criteria.

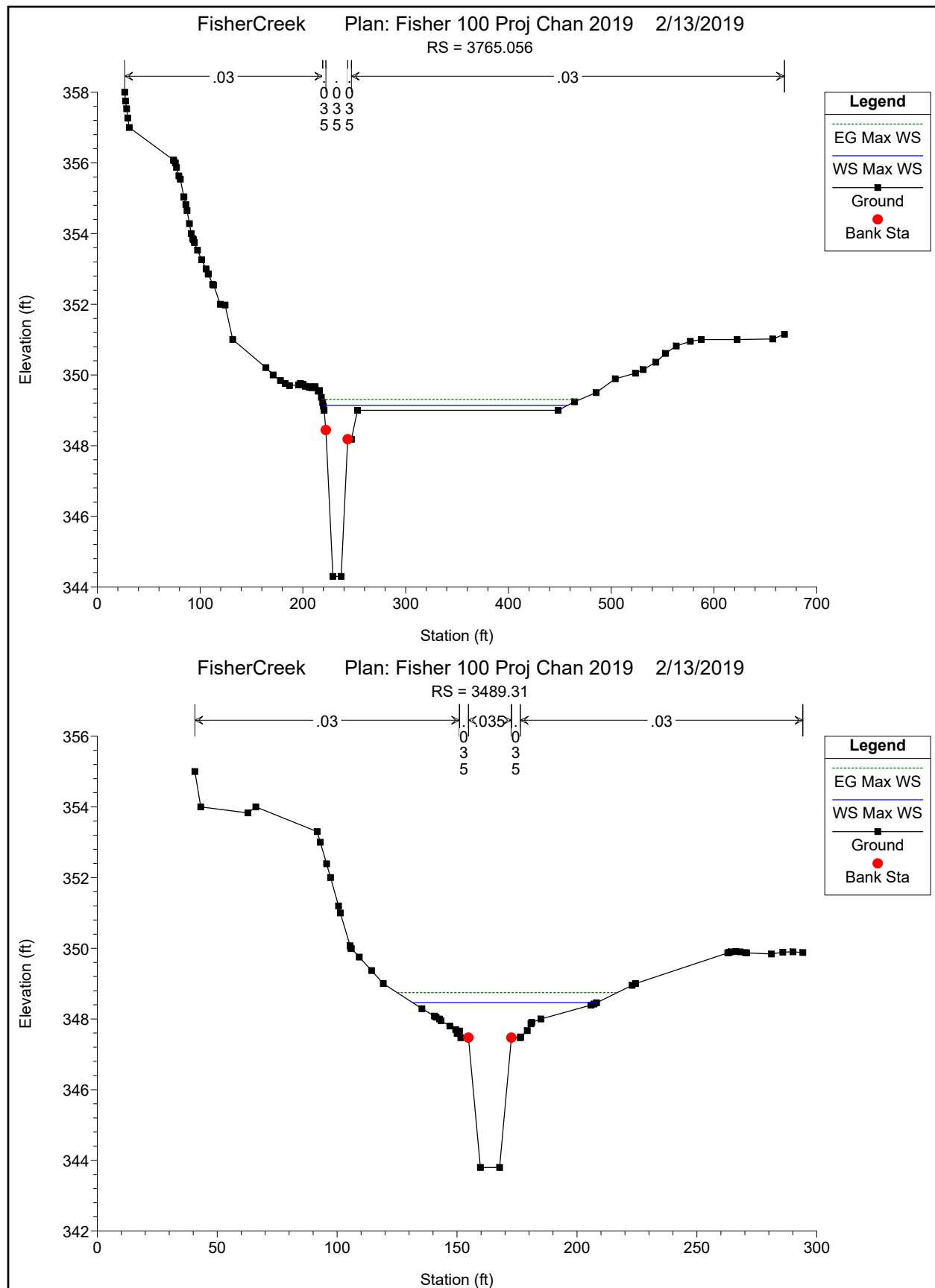
Attachments:

Site Plan
Madrone Hydrology Report, September 2012
FEMA FIRM



Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

Figures 2 and 3. Cross Sections 3765.056 and 3489.31





Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 10. The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey
SSMC-3 #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by the USDA National Agriculture Imagery Program (NAIP). This information was photogrammetrically compiled at a scale of 1:24,000 from aerial photography dated 2005.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

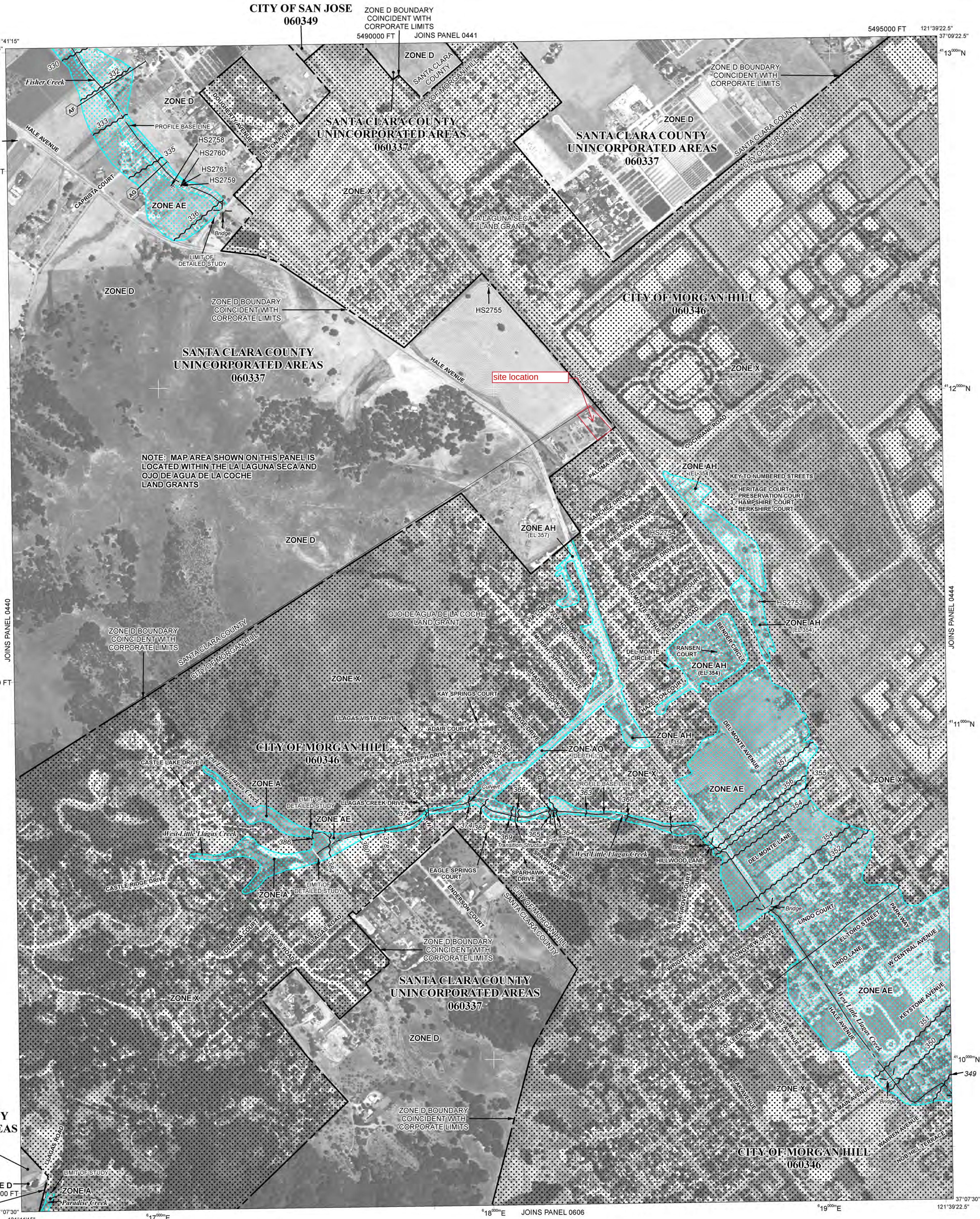
Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at <http://msc.fema.gov>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.

SANTA CLARA COUNTY
UNINCORPORATED AREAS
060337

ZONE D
2980000 FT

ZONE D BOUNDARY
COINCIDENT WITH
CORPORATE LIMITS



LEGEND

- SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**
- The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently identified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
- FLOODWAY AREAS IN ZONE AE**
- The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
- OTHER FLOOD AREAS**
- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- OTHER AREAS**
- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.
- COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**
- OTHERWISE PROTECTED AREAS (OPAs)**
- CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- Base Flood Elevation line and value; elevation in feet*
- Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

Cross section line

Transsect line

87°07'45", 32°22'30"

76°00'N

600000 FT

5000-foot grid ticks; California State Plane coordinate system, zone III (FIPSZONE 0403), Lambert Conformal Conic projection

Bench mark (see explanation in Notes to Users section of this FIRM panel)

M1.5

River Mile

MAP REPOSITORY

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

May 18, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0443H

FIRM

FLOOD INSURANCE RATE MAP

SANTA CLARA COUNTY,
CALIFORNIA
AND INCORPORATED AREAS

PANEL 443 OF 830
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
MORGAN HILL CITY OF	060346	0443	H
SAN JOSE CITY OF	060349	0443	H
SANTA CLARA COUNTY	060337	0443	H

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
06085C0443H

EFFECTIVE DATE
MAY 18, 2009

Federal Emergency Management Agency

Draft Hydrology Study

MADRONE VILLAGES MORGAN HILL

Prepared for:
Signature Properties

September 18, 2012

Schaaf & Wheeler

CONSULTING CIVIL ENGINEERS

1171 Homestead Road, #255

Santa Clara, CA 95050

(408) 246-4848

FAX: 408-246-5624

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

Hydrology Study Madrone Villages Morgan Hill

Introduction

This hydrology study was prepared to evaluate the existing flood conditions on the Signature Properties site for the proposed Madrone Villages residential development. The site is adjacent to Fisher Creek and is not shown in a flood zone on the FEMA Flood Insurance Rate Map. However, the areas north and south of the site are shown in Zone X. The City has requested a flooding study to establish 100-year base flood elevations for the project, since no detailed study has been completed.

The study also includes an analysis of the potential effects of the project on the existing floodplain conditions. Increased runoff from the additional impervious area on the site could increase peak flows in the channel downstream. In addition, the study includes the proposed channel realignment for Fisher Creek which would be included in the project. The new channel alignment would allow for widening of Hale Avenue on the west side of the channel.

Proposed Project

The proposed project site is approximately 30 acres, located between Hale Avenue and Monterey Road one half mile south of Tilton Avenue and Hale Avenue in Morgan Hill. The site currently vacant, containing fallow fields, but has been farmed in the past. The site is surrounded by existing residential development to the north and south.

The proposed project development would include approximately 120 single family homes. The project would include a widening of Hale Avenue through the project frontage, and a realignment of Fisher Creek to the east by approximately 35 feet to allow for the roadway widening. The project would also include a new roadway crossing of the creek at the new location to provide vehicle access to the site from Hale Avenue. The project would also include two detention basin areas adjacent to the new creek channel to detain runoff from the site and minimize potential increased flows in Fisher Creek.

Existing Flood Conditions

The FEMA FIS did study Fisher Creek north of Tilton Avenue. The study did not include analyses south of Tilton Road, at the project site. The areas in the City of Morgan Hill immediately north and south of the project site between Monterey Road and Hale Avenue are shown as Zone X on the FEMA Flood Insurance Rate Maps (FIRMs). Zone X is defined as being in the 500-year floodplain, or shallow flooding less than 1 foot deep for the 100-year flood event.

The FEMA FIS did on include published flowrates for the study at Tilton Avenue, but the available hydraulic models for the study included a 100-year peak flow rate of 235 cfs at Tilton Avenue.

HMP Detention Storage

The proposed Madrone Village project includes detention storage required for the Regional Water Quality Control Board (RWQCB) municipal regional permit. The detention storage is to control increased peak flow discharges to Fisher Creek which may cause increased erosion and turbidity in the stream. The increased peak flows are called hydromodification in the permit. The detention basins are called HMP (hydromodification management plan) basins. The basis for the design of the HMP basins is to minimized increased flow to maintain a flow duration frequency relationship for the project runoff which is similar to the existing runoff conditions. The RWQCB BAHM computer model was used to design the specific HMP basins for the site.

BAHM Model

The project preliminary design information dated September 22, 2011 have been used to characterize the Madrone Villages development that affect the HMP basin sizing. For the pre-project condition, the site was assumed to be entirely pervious.

Rainfall

The planned Madrone Villages development lies within Santa Clara County. The BAHM model references the Morgan Hill rainfall gage based on the project location.

Soils

The soil characteristics influence the permeability of the pervious areas of the site, directly affecting the stormwater runoff. The NRCS/USDA Web Soil Survey was used to determine the soil types underlying the project site. The Project site is underlain 100% by soils classified as Group B soils of fair permeability.

Land Use

For pervious areas, the BAHM model requires land uses to be categorized by soil type. Since impervious areas are independent of the underlying soil but do have varying runoff characteristics, these are only categorized by land use.

The existing site currently has no urban development, so all of the pre-development area is assumed to be pervious. Land uses for flat slopes were used, which is described in the BAHM model as 0-5%, since the existing slope of the site is less than 1%. Impervious percentages were estimated to be 60% for the site and 50% for the off-site area which drains to the site. Schaaf & Wheeler estimated how these impervious percentages may break down by land use type including landscaping, parking lots, roads, and buildings, etc. These calculations are included in Tables 1 and 2 and were used in the HMP modeling.

Table 1 – North Basin Land Use Areas (in acres)

	BAHM Category	Pre-Development Land Use	Mitigated Land Use
Pervious	B, Grass, Flat (0-5%)	17.3	0
	B, Urban, Flat (0-5%)	0	6.9
Impervious	Roads, Flat (0-5%)	0	4.3
	Roof Area	0	3.5
	Driveways, Flat (0-5%)	0	0.9
	Sidewalks, Flat (0-5%)	0	1.7

Table 2 – South Basin (Including Offsite Area) Land Use Areas (in acres)

	BAHM Category	Pre-Development Land Use	Mitigated Land Use
Pervious	B, Grass, Flat (0-5%)	13.2	0
	B, Urban, Flat (0-5%)	0	5.5
Impervious	Roads, Flat (0-5%)	0	3.1
	Roof Area	0	2.6
	Driveways, Flat (0-5%)	0	0.7
	Sidewalks, Flat (0-5%)	0	1.3

Conditions were input into the BAHM model for two different scenarios – a pre-project scenario and a post-project scenario. The post-project scenario includes the HMP basin in the calculations. Rainfall is based on the specified site location. A map of Santa Clara County is provided in the program and, as one of the first steps of setting up the model, the general location of the project site is marked on the map.

The other input parameters used in running the BAHM model for the analysis are detailed in Tables 1 and 2 above. The “Pre-development” column gives values used to represent the existing conditions, and the “Post-developed” columns give values used to represent the post-development conditions.

HMP Basin Sizing

After inserting the various parameters into the model, the basin scenario was run, and the output was analyzed for conformance to the HMP criterion. The mitigated post-development curve must match the pre-development curve between the limits of 10% of the pre-development 2-year stormwater runoff flow and the 10-year stormwater runoff flow. Tables 3 and 4 list the hydrologic parameters for the project as calculated within the BAHM. The mitigated flows exiting the HMP basins are also given for comparison and should be the same or less than the pre-developed flows.

Table 3 – North Basin Stormwater Runoff Flows (in cfs) for HMP Analysis

	Pre-developed	Mitigated
10% of the 2-Year	0.025	0.0007
2-Year	0.25	0.007
10-Year	4.15	2.03

Table 4 – South Basin Stormwater Runoff Flows (in cfs) for HMP Analysis

	Pre-developed	Mitigated
10% of the 2-Year	0.019	0.0023
2-Year	0.19	0.023
10-Year	3.17	1.83

The north basin was sized using the footprint provided by RJA as a guide (Figure 1). The invert of the basin was established to be 0.5 feet of storage below the outlet pipe, allowing low flows to remain onsite and percolate instead of being drained offsite. The south basin was designed to correspond to the preliminary grading design but the storage is all located above the outlet pipe. The riser widths, riser heights, and orifice diameters for each HMP basin were adjusted until the HMP requirements for both basins were satisfied.

The proper functioning of both basins is dependent on achieving a 0.39-inch constant percolation rate. A field percolation test needs to be accomplished to verify this and the results will affect the design. Without a favorable percolation rate, the north basin will not be able to achieve HMP standards.

Both HMP basins were designed based on a constant 0.39-inch per hour percolation rate. This value is considered conservative for the type of soils identified for the site, but the final design of the detention areas will need to consider the actual site conditions.

The basin concepts as shown in Figures 1 and 2 are adequate for meeting the HMP requirements. The proposed outlet structures for each HMP basin area described below.

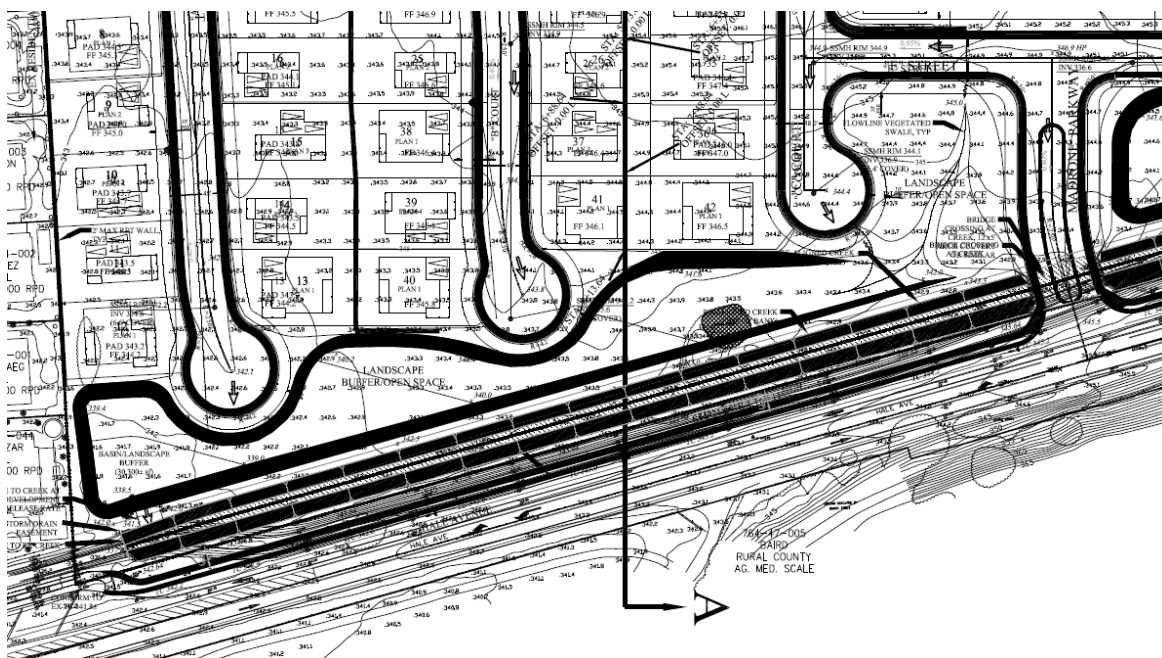


Figure 1. Proposed North Bioretention Basin

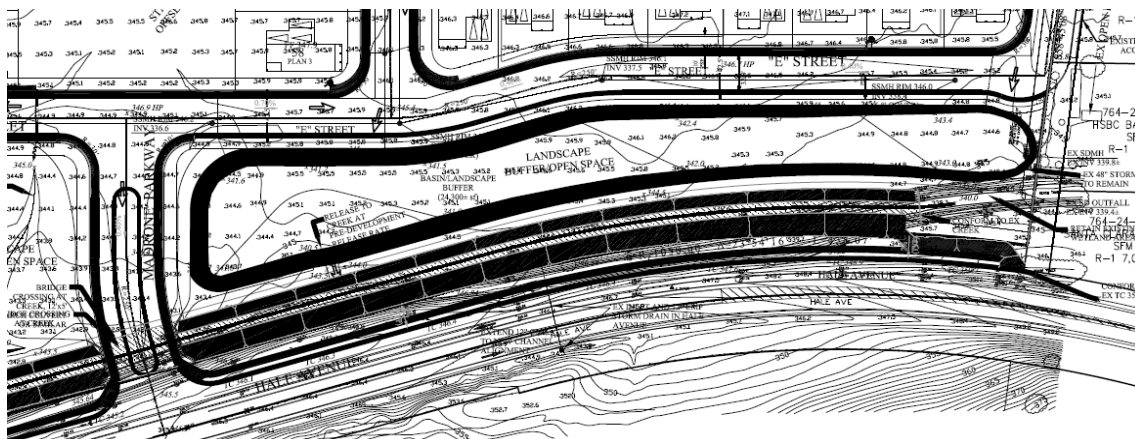


Figure 2. Proposed South Bioretention Basin

The basin concepts as shown in Figures 1 and 2 are adequate for meeting the HMP requirements. The proposed outlet structures for each HMP basin area described below.

Table 5 – North Detention Basin Details

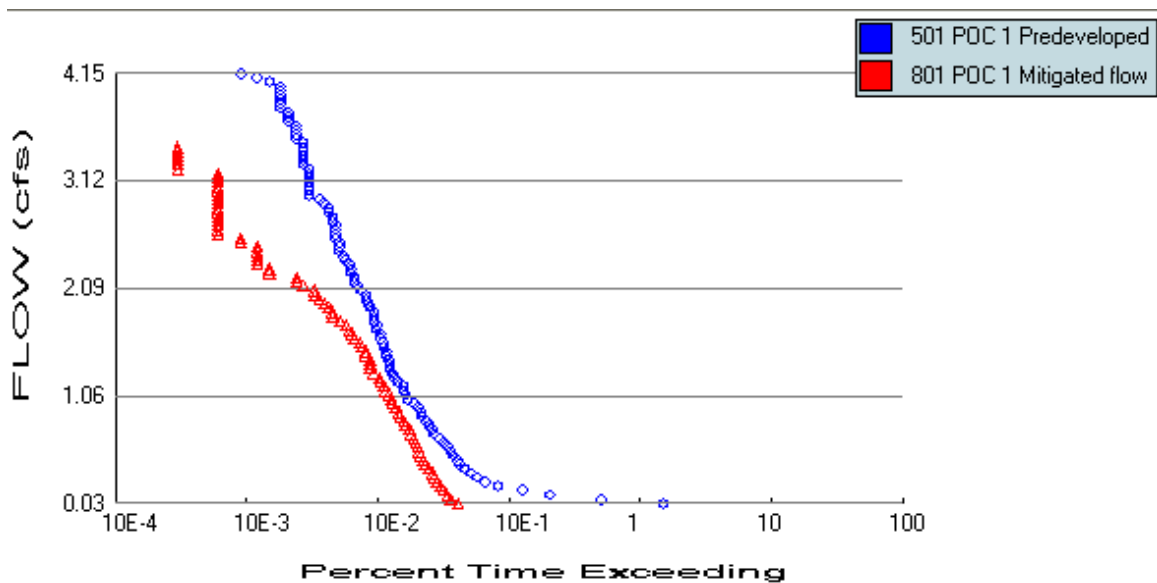
Maximum Water Surface		3.7 ft. (elev. 341.7 ft)
Orifice	Diameter	0.75 in.
	Invert above basin bottom	0.5 ft. (elev. 338.5 ft)
Riser	Diameter	8 in
	Invert above basin bottom	3 ft. (elev. 341 ft)

Table 6 – South Detention Basin Details

Maximum Water Surface		3.5 ft. (elev. 344 ft)
Orifice	Diameter	0.75 in.
	Invert above basin bottom	0 ft. (elev. 340.5 ft)
Riser	Diameter	8 in
	Invert above basin bottom	3 ft. (elev. 343.5 ft)

The top of the riser is to be left open and the orifice will be cut in the side of the riser.

Figures 3 and 4 show the Project site flow-frequency curves between the HMP limits, as described above. The figure indicates that the proposed basin adequately mitigates the post-development hydrograph to match the hydrograph of the pre-developed conditions within the required parameters of the 10-year flood event and 10% of the 2-year flood event. In other words, the mitigated flows output from the HMP basin do not exceed the pre-developed flows at any point within the flow limits.

**Figure 3. Hydrographs of the North Basin**

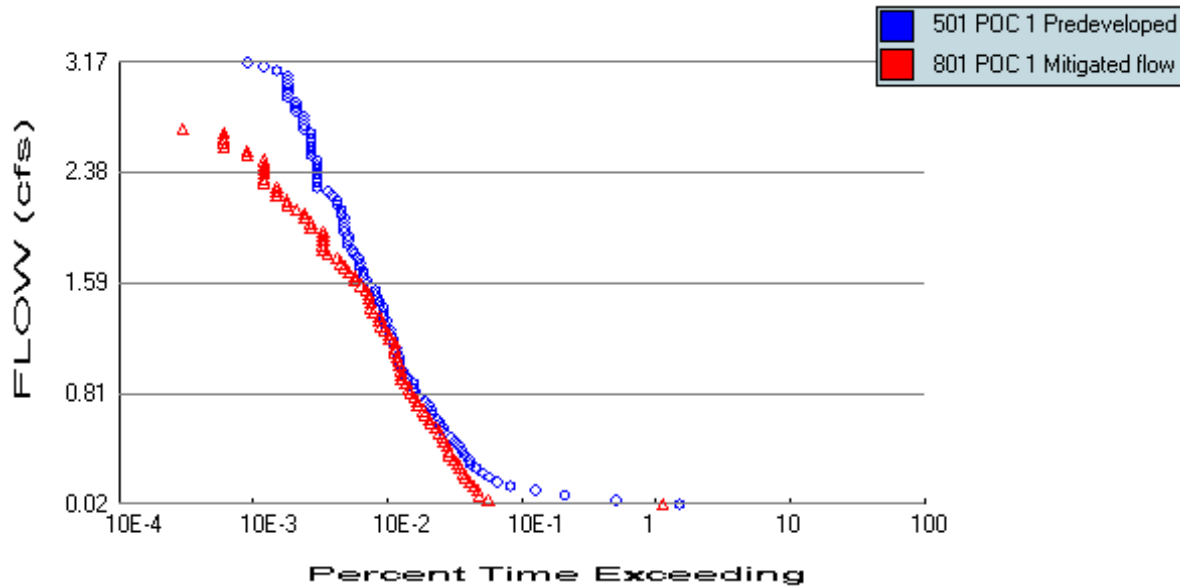


Figure 4. Hydrographs of the South Basin

Another requirement of the HMP basin is that it must drain within 3-5 days for vector control. Based on the storage-elevation-discharge curves, the north basin will take 3.7 days to drain and the south basin will take 2.9 days to drain.

Hydrologic Models

A rainfall runoff model for the 100-year flood event was prepared to evaluate the potential increased runoff to Fisher Creek from the development for the 100-year storm event regulated by the FEMA National Flood Insurance Program. The rainfall runoff model and hydraulic model analysis was intended to evaluate the effects of the project detention basins on the 100-year flood hydrographs. The HMP design basis is to control increased flows for events between 10 percent of the 2-year storm and the existing conditions 10-year storm. The HMP design does not consider larger flood events including the 100-year storm. The rainfall runoff model was based on the Santa Clara County Drainage Manual hydrograph procedure. The model was run using the Corps of Engineers HEC-1 computer model to generate hydrographs for the specific subareas needed for the analysis. The hydrographs generated by the rainfall runoff model were input to the Corp of Engineers HEC-RAS hydraulic model to include the detention basins and the channel hydraulics.

Four watershed subareas were used to model the Fisher Creek watershed upstream of Tilton Avenue. One subarea represents the watershed upstream of Tilton Avenue, west of the UPRR upstream to approximately Llagas Road. The watershed area at Llagas Road was based on subarea maps from the SCVWD and includes some area west of Hale Avenue which drains to a culvert at Llagas Road that connects to West Little Llagas Creek to the south. Due to the very limited capacity of the culvert, flows to Fisher Creek have been assumed to include this area. Flow in excess of the culvert capacity flow over Hale Avenue and overland to Fisher Creek south of the project site.

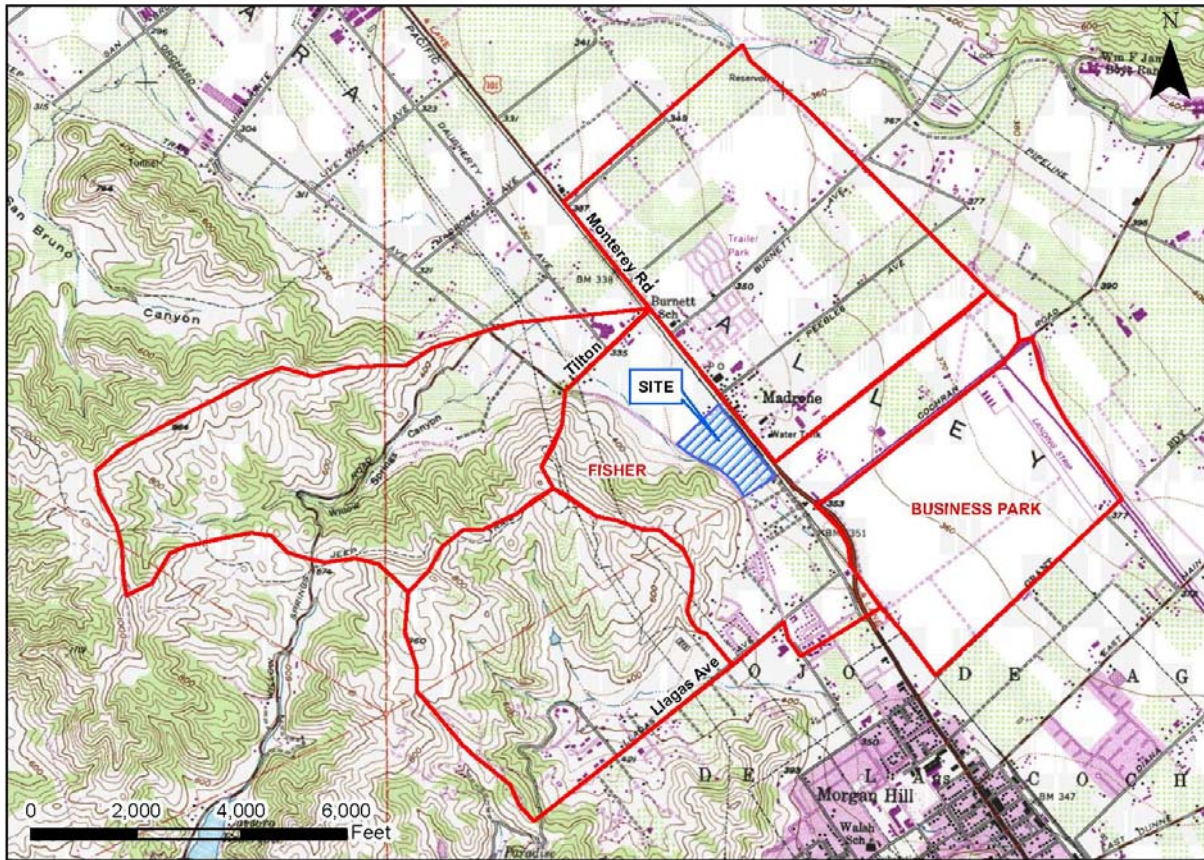


Figure 5. Watershed Subarea Map

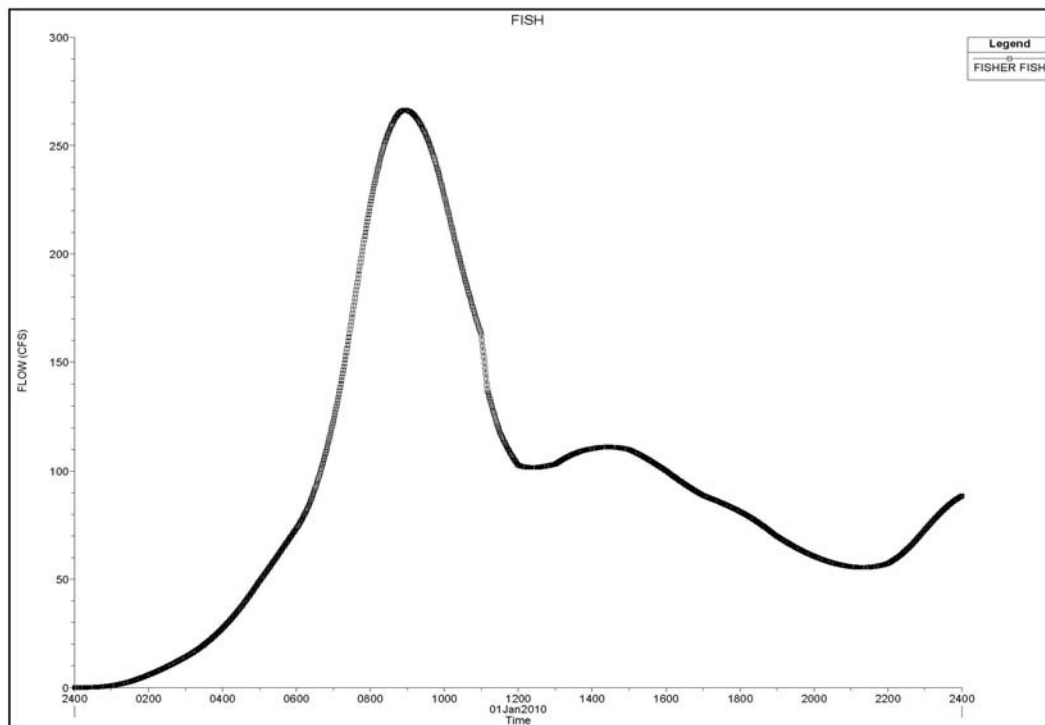
Two subareas were defined for the project site for both existing and project conditions. The two site subareas represent the separate drainage areas which drain to the two onsite detention ponds in the project condition.

The last sub area represents the business park south of Cochrane Road east of Monterey Road, between Monterey Road and Highway 101. The business park partially drains to the Butterfield Channel, a City drainage channel which drains to East Little Llagas Creek, to the south. However there is a detention basin and stormwater pump station which discharges to a channel near the UPRR west of Monterey Road which then drains to Fisher Creek upstream of the project site. The business park subarea was included in the hydrology to include the pump station outflow in the Fisher Creek hydraulic analysis. The hydraulic modeling for the business park discharge is discussed later in this report.

Table 7 – Subarea Watershed Parameters

Subarea	Area (sqmi)	Curve Number	Percent Impervious	Lag (hr)
Fisher	0.933	75.5	38.5	2.48
Business Park	0.649	79	41.2	1.81
Site North Existing	0.027	69	0	0.23
Site South Existing	0.021	69	0	0.23
Site North Proj	0.027	58	60	0.20
Site South Proj	0.021	58	60	0.20

The hydrographs were modeled for a 24-hour 100-year storm based on the drainage manual storm pattern. The total 24-hour precipitation depth was based on a mean annual precipitation of 19 inches for the site and the business park, and 20 inches for the Fisher Creek basin which includes hillside areas to the west. The 100-year 24-hour precipitation for the project site was 5.44 inches.

**Figure 6. Subarea Hydrograph for Fisher Creek at Tilton Ave, 100-Year Storm**

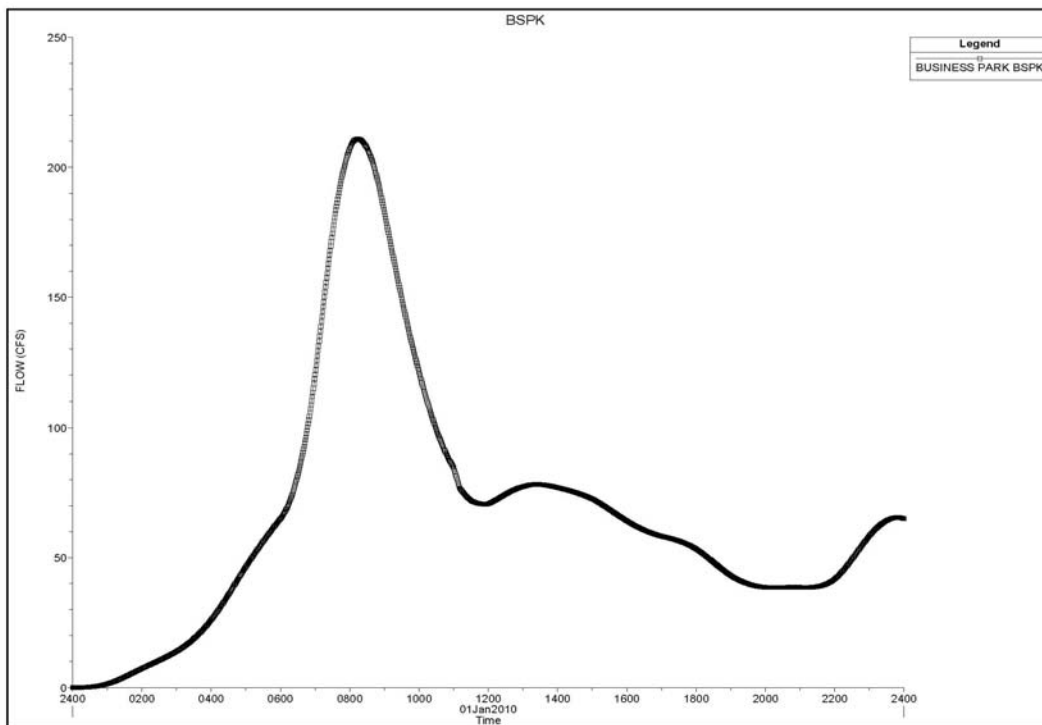


Figure 8. Subarea Hydrograph for Business Park, 100-Year Storm

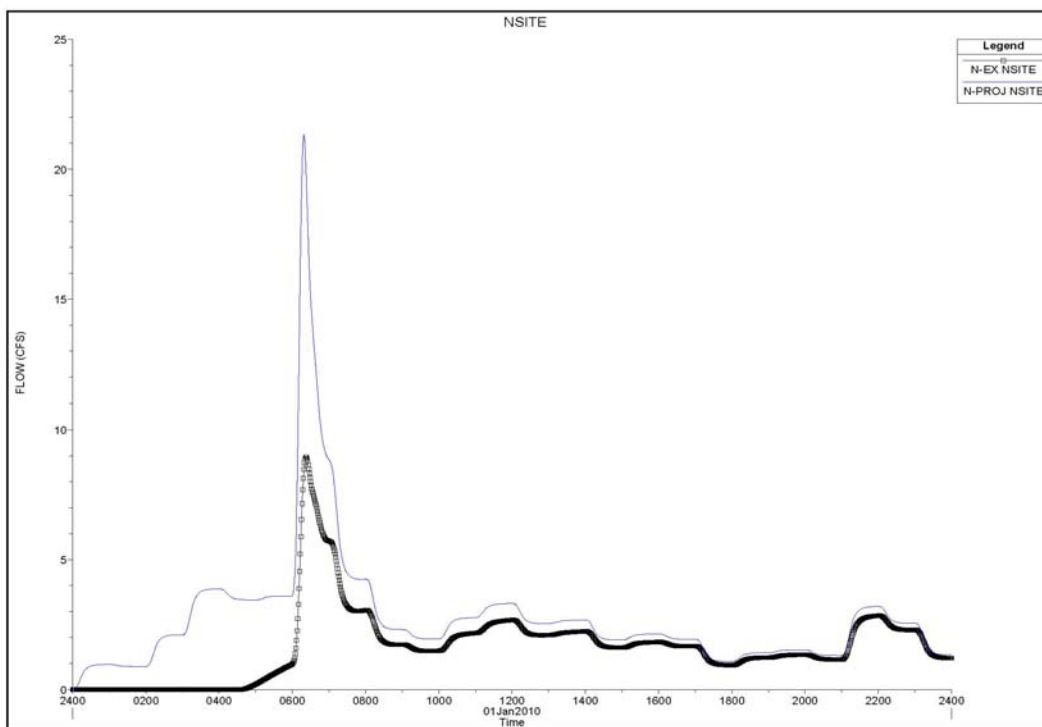


Figure 9. Subarea Hydrographs for Madrone Villages North Area, 100-Year Storm

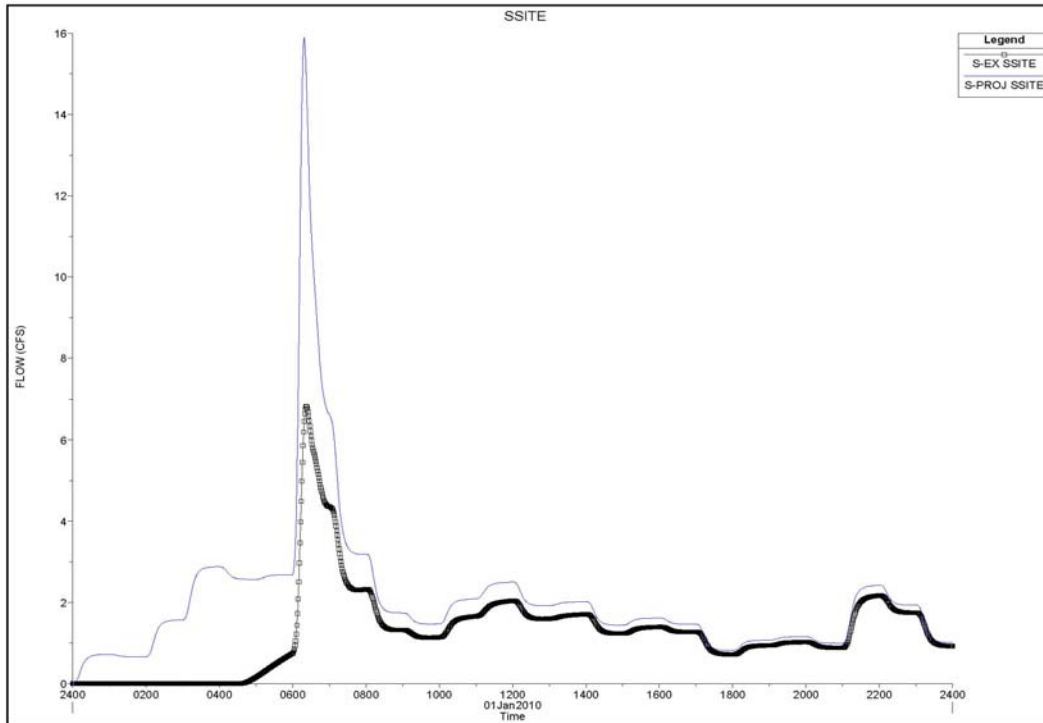


Figure 10. Subarea Hydrographs for Madrone Villages South Area, 100-Year Storm

Hydraulic Models

The existing condition and project condition analyses included two separate hydraulic models to include the routing of the subarea hydrographs through the detention basin systems. One HEC-RAS model only included the business park subarea and the detention basin and pump system which discharges to upper Fisher Creek. The system was designed to limit the business park runoff contribution to the Butterfield Channel to the south and discharge runoff to the Fisher Creek system comparable to the capacity of the old drainage systems at Monterey Road before construction of the business park. The detention system was to be used until completion of the downstream Butterfield Channel improvements. The Ventana basin system was constructed before the Butterfield Channel was extended to East Little Llagas Creek. The channel extension is under construction and should be completed in 2012. The design of the channel extension includes allowing all runoff from the business park subarea to drain to the Butterfield Channel.

For existing conditions, the Ventana basin system has a restricted outlet for low flows to the Butterfield Channel. The low flow outlet has a capacity of approximately 10 to 12 cubic feet per second (cfs). Higher flows start to fill the Ventana detention basin and overflow to a culvert under Monterey Road. The estimated capacity of the culvert and downstream channel is approximately 58 cfs. For higher flows which exceed the capacity of the detention basin, the basin overflows on the east side of the UPRR and the excess flows flow south to East Little Llagas Creek. The hydraulic model for the Ventana basin was based on construction plans for the basin, pump station and stormdrain system. The model elevations were adjusted to datum NAVD88.

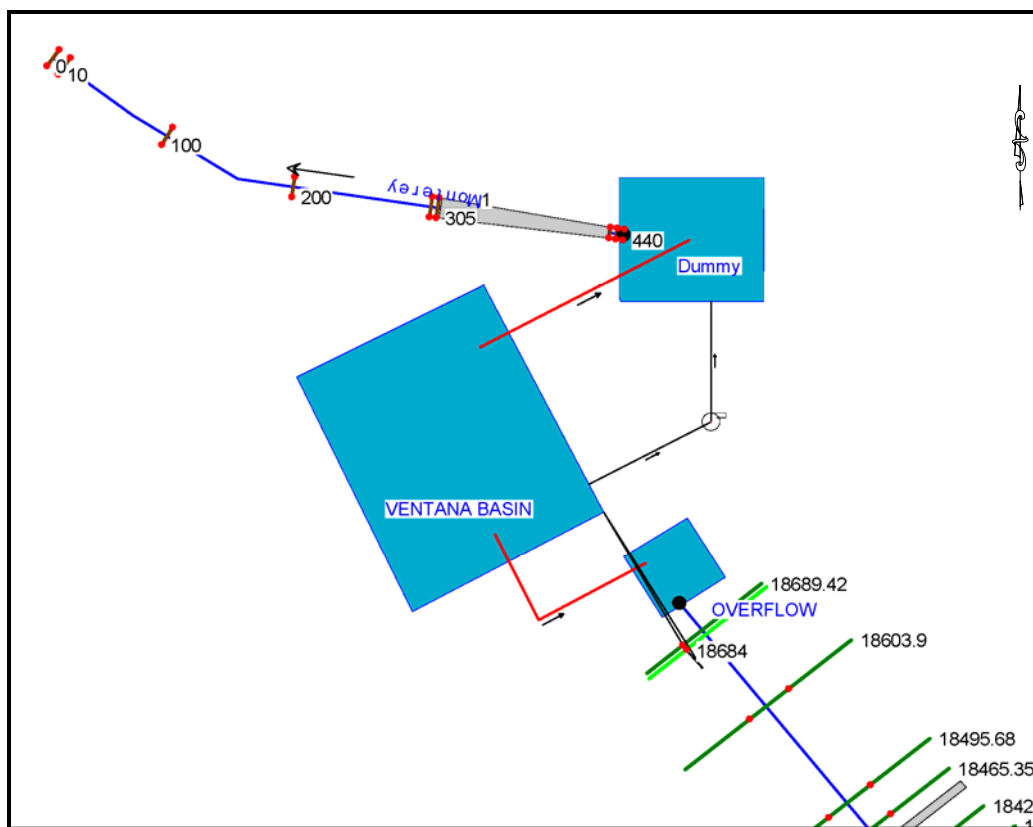


Figure 11. Ventana Basin Schematic

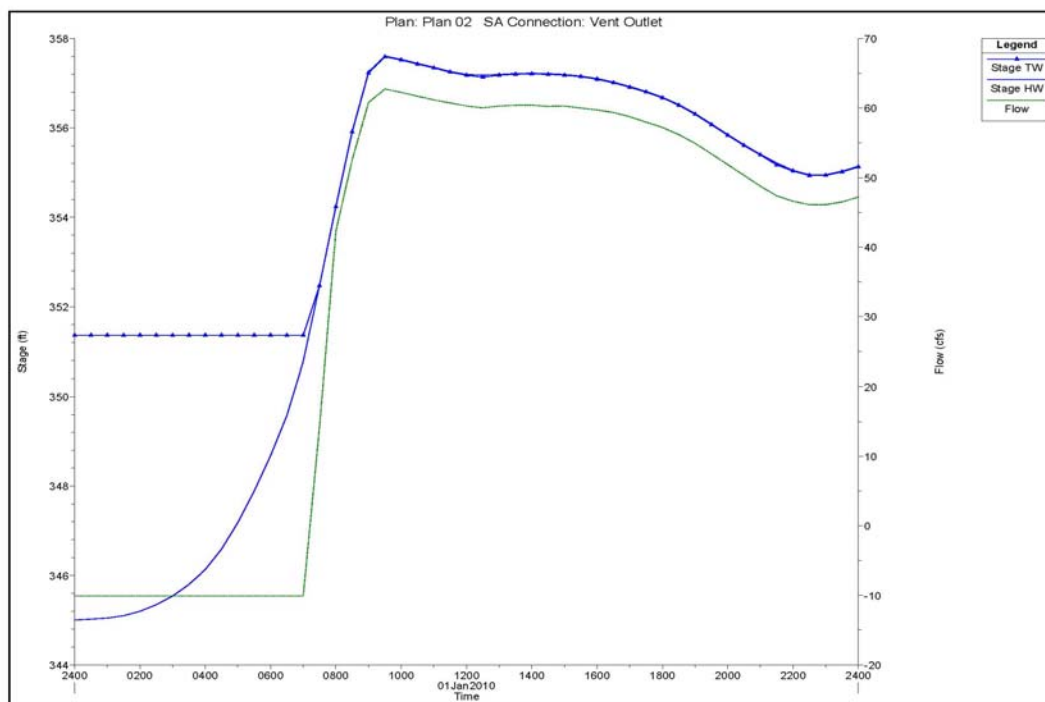


Figure 12. Ventana Basin 100-Year Flows to Fisher Creek – Case 1

A second hydraulic model was prepared for the Fisher Creek channel from Tilton Avenue upstream to approximately 600 feet upstream of the Madrone Villages project site. Cross sections for the channel upstream and downstream of the project site were based on the county LIDAR survey information. Cross sections for the channel and project site were based on recent site topography from RJ.

For existing conditions, the hydrographs for the Fisher Creek subarea and the Ventana basin outflow were added at the upstream end of the study reach. Since a portion of the Fisher Creek subarea is located downstream from the project this may be slightly conservative and overestimate the channel flow. The same assumption was used for both the existing and project conditions to avoid any bias in the project evaluation.

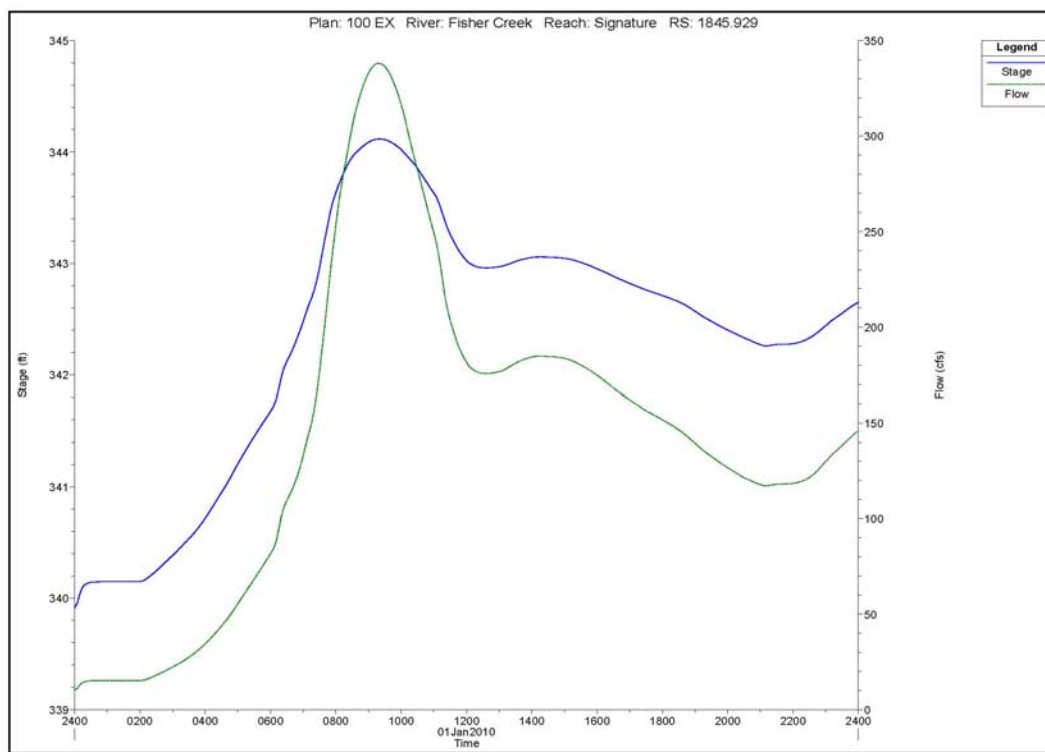


Figure 13. Fisher Creek Hydrograph Downstream of Project, 100-Year Storm



Figure 14. Existing Condition Floodplain on Project Site, 100-Year Storm

For project conditions, the existing conditions model cross sections were revised to include the relocated alignment for the Fisher Creek channel as shown in Figure 15. The channel size is similar to the existing channel and the downstream channel. The new Madrone Village crossing was included as a simple box culvert with a base width of 8 feet to be similar to the bottom width of the channel. The bottom of the culvert could be below the invert of the channel to avoid an exposed concrete bed within the channel. A larger span or bridge would also be possible depending on the final design constraints.

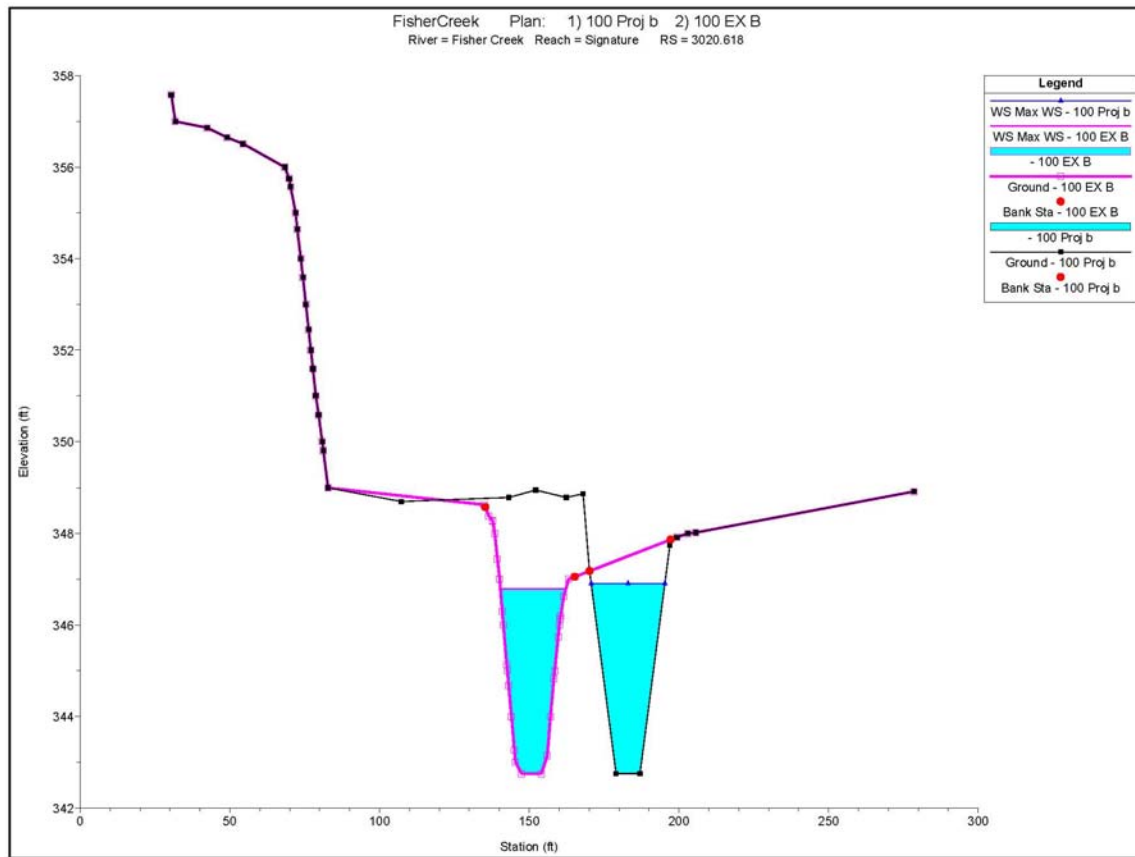


Figure 15. Typical Section Relocated Fisher Creek, Existing (red) and Project (black)

The project conditions were analyzed for two potential offsite conditions related to the Ventana basin. The flows to Fisher Creek from the Ventana basin may stop after completion of the Butterfield Channel extension, but the new operation of the Butterfield Channel and Maple Avenue Regional Detention Basin has not been finalized with the SCVWD and County of Santa Clara. Therefore, the evaluation of the potential 100-year flooding effects of the Madrone Villages project considered both cases. Case 1 includes flows from the Ventana basin for both the existing and project conditions. The peak flow in Fisher Creek downstream of the project site was estimated to be 339 cfs. For Case 2, the Ventana basin contribution was removed for both the existing and project conditions. The existing condition peak flow for Case 2 was 268 cfs. The existing condition was reduced for Case 2 to provide a comparison of the effects of the Madrone Villages project drainage systems with or without the Ventana basin flows, but not to use the reduced flows from the Ventana basin to mitigate for any effects of the Madrone Villages project.

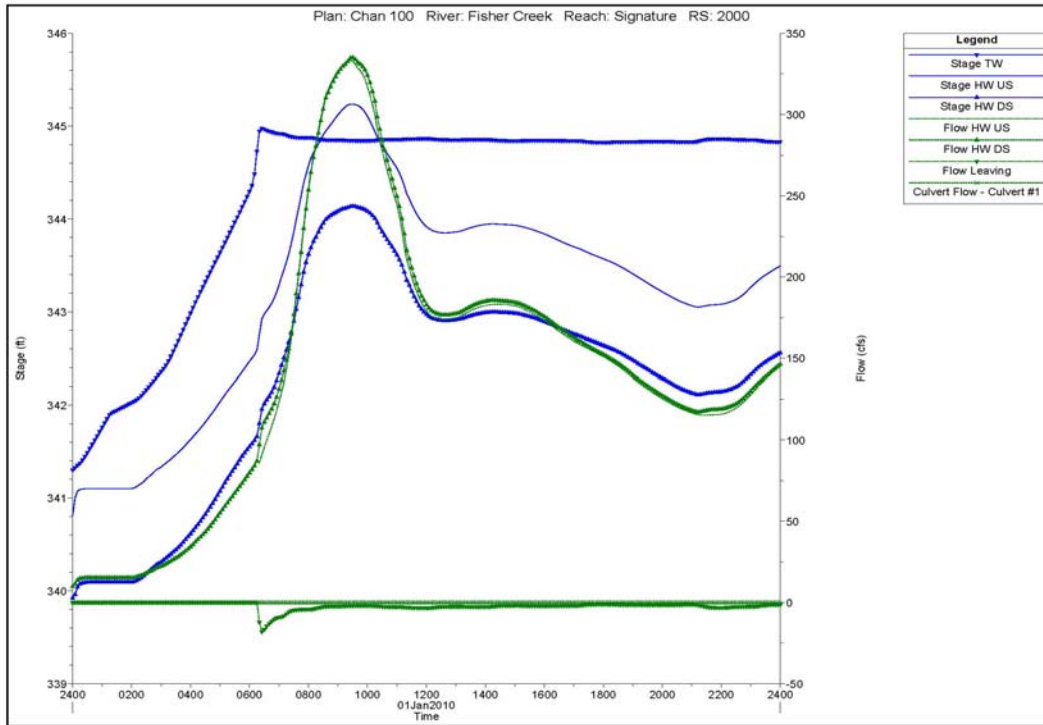


Figure 16. North Detention Basin 100-Year Flows – Case 1

Figure 16 shows the model results for the operation of the outlet from the north detention basin into Fisher Creek. The Stage TW line represents the water surface elevation in the detention basin which starts near elevation 341 feet and increases to a maximum near elevation 345.6 hours into the storm. The Stage HW DS line represents the water surface elevation in Fisher Creek just downstream of the outlet, which is near elevation 342 feet at the time of the peak elevation in the detention basin, and increases to approximately 344 feet at the time of the peak flow in the creek, approximately 9 hours into the storm. The Flow Leaving line at the bottom of the graph shows a negative flow leaving of approximately 20 cfs at the time of the peak water level in the detention basin. The negative flow leaving in the model represents the outlet flow from the detention basin into the channel (negative flow leaving the channel). Typical outlet flows late in the storm are approximately 1 to 2 cfs due to the restricted outlet from the detention basin.

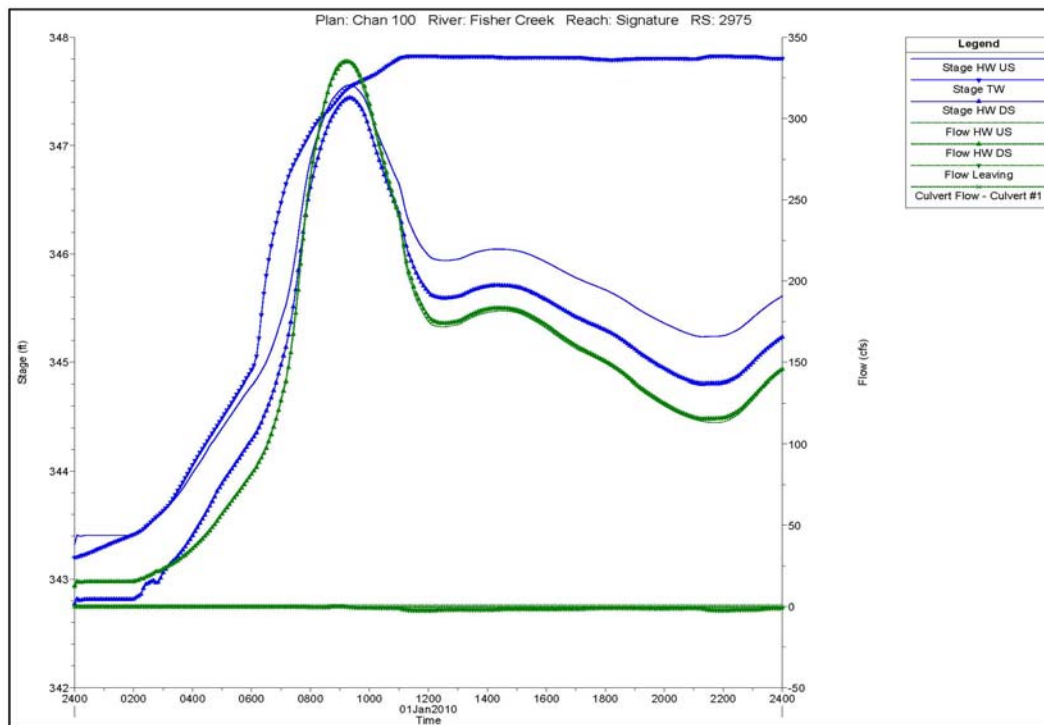


Figure 17. South Detention Basin 100-Year Flows – Case 1

Figure 17 shows the operation of the south detention basin for Case 1. The operation is similar to the north detention basin. However, the south basin has more capacity in comparison to the area which drains to the basin. The maximum water surface in the basin (Stage TW) rises to an elevation of approximately 347.7 feet which is a 0.4 feet above the top of the outlet riser. Therefore, there is very little flow from the detention basin into the creek.

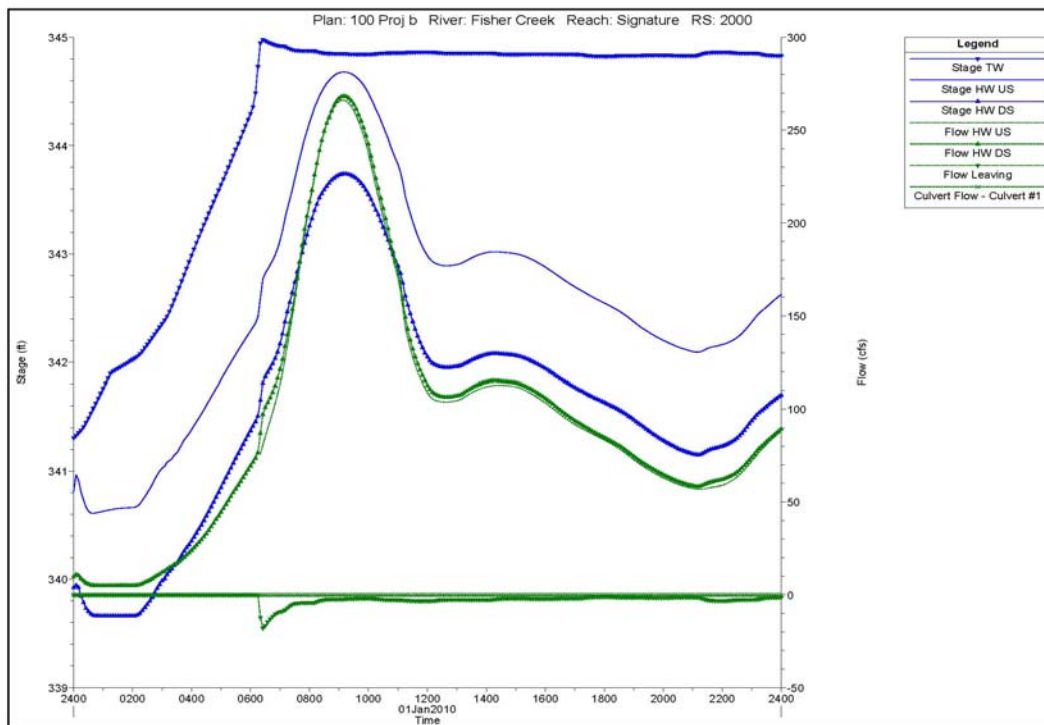


Figure 18. North Detention Basin 100-Year Flows – Case 2

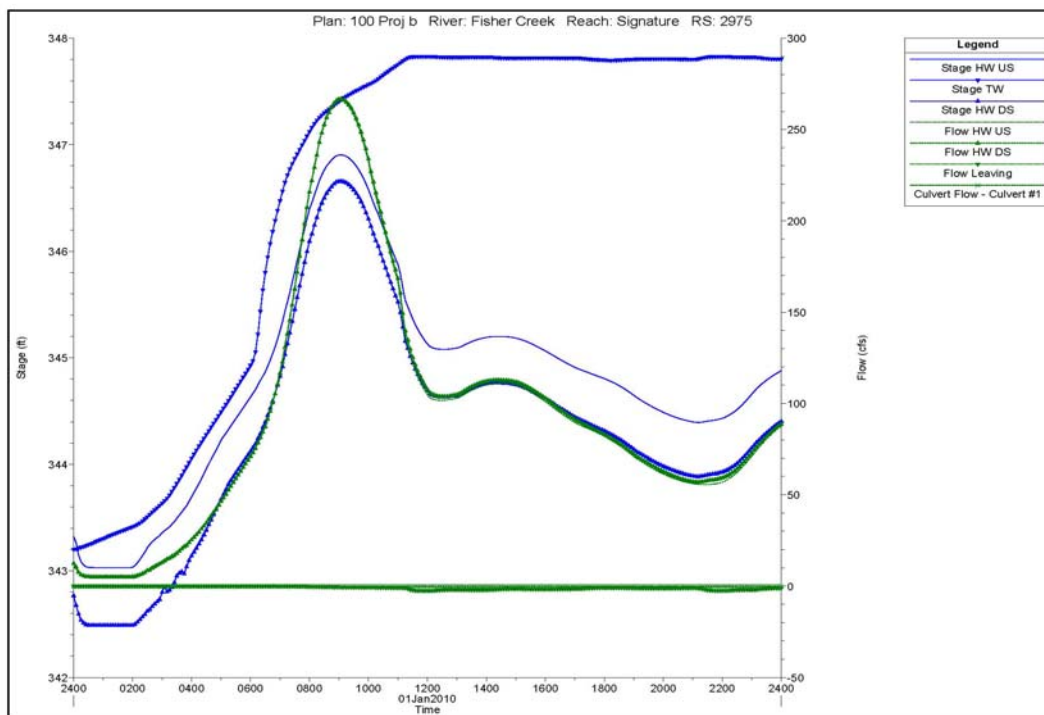


Figure 19. South Detention Basin 100-Year Flows – Case 2

For Case 1, the project condition 100-year flow rate downstream of the project is 3.17 cfs less than the existing condition peak flow. For Case 2, the project condition 100-year flow rate downstream of the project is 0.09 cfs less than the existing condition peak flow. The detention basins on the site and the outlet structures are the same for both cases. The onsite detention has some additional effects for Case 1 because the water surface elevation in Fisher Creek is generally 0.5 to 0.9 feet higher with the larger flow, and very little flow enters the creek from the Madrone Villages detention system basins. The Flow HW DS line in Figures 16 and 18 show the Fisher Creek flow hydrographs for Case 1 and Case 2. There are no significant changes from the existing condition hydrographs.

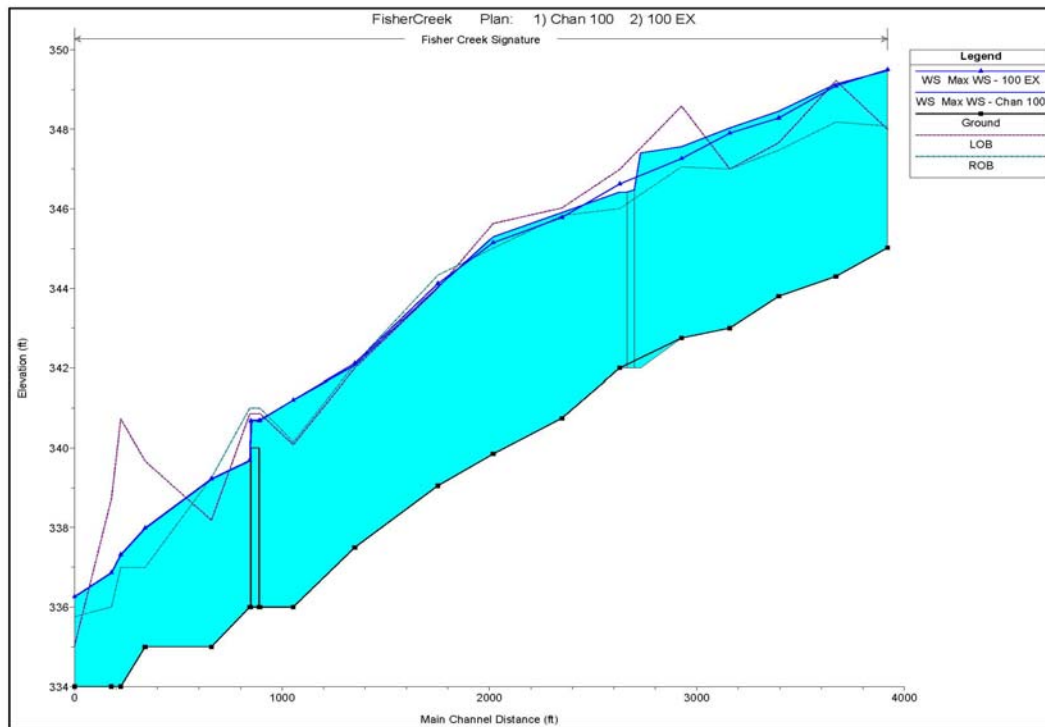


Figure 20. Fisher Creek Profile 100-Year Flow – Case 1

Figure 20 shows the 100-year maximum water surface profile for Fisher Creek for Case 1 from Tilton Avenue (station 0) upstream to approximately 600 feet upstream of the Madrone Villages site. The proposed Madrone Villages access crossing is shown at approximately station 2700 feet. The project condition water surface in shaded, the existing condition water surface is shown, but not shaded. The project condition water surface elevations are higher within portions of the project particularly at the bridge crossing. The water surface is within the proposed channel and would not affect other properties. There are no estimated changes to the downstream water surface profile. The project condition water surface is less than 0.2 feet higher than the existing condition at the upstream end of the project.

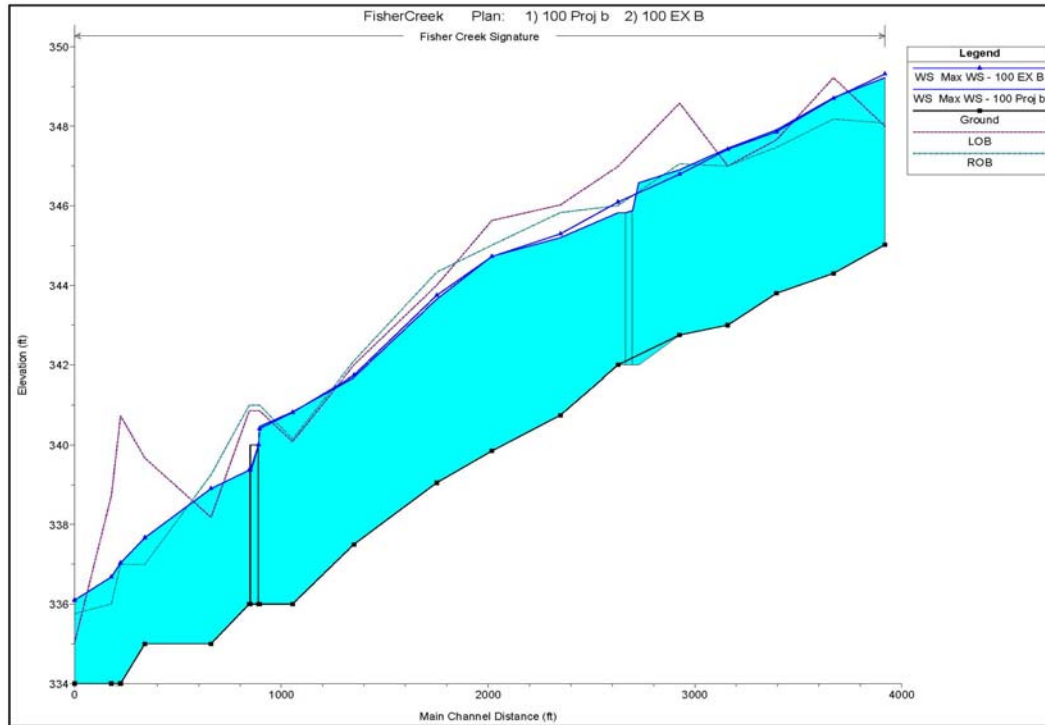


Figure 21. Fisher Creek Profile 100-Year Flow – Case 2

Figure 21 shows the 100-year maximum water surface profile for Fisher Creek for Case 2. As with Case 1, the project condition water surface elevations are higher within portions of the project upstream of the road crossing. The effect is less than for Case 1 because the creek flows are less for Case 2 with no inflow from the upstream business park subarea. The water surface is within the proposed channel and would not affect other properties. There are no estimated changes to the downstream water surface profile. The project condition water surface is less than 0.05 feet higher than the existing condition at the upstream end of the project.

Conclusions

The results of the hydrologic analysis show that proposed north and south detention basins will provide sufficient storage to meet the HMP requirements of the RWQCB regional permit. The flow duration results show no significant increase for the project condition, including the south basin which has inflows from an offsite area.

The Fisher Creek hydrology and hydraulics analysis shows that the north and south detention basins as designed for the HMP requirements will also mitigate for increased runoff in the larger 100-year storm which potentially could affect flooding. Peak flows in Fisher Creek downstream of the project would be slightly reduced.

The hydrologic analysis included two alternative cases for the Fisher Creek conditions. Case 1 based on continued operation of the Ventana detention basin at the Cochrane Road business park, and Case 2 if the flow to Fisher Creek from the business park is all drained to the

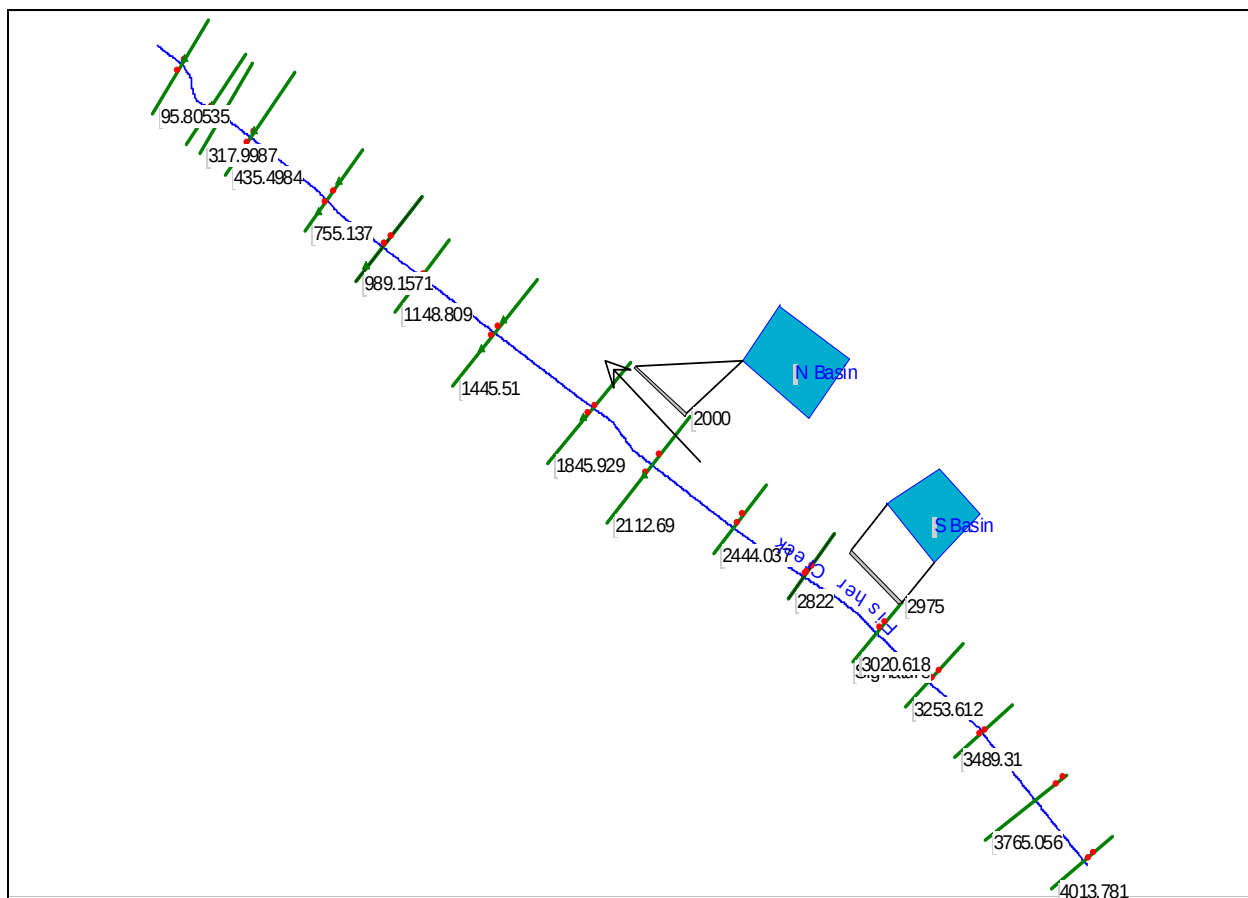
Butterfield Channel, away from Fisher Creek. The Butterfield Channel extension is under construction and expected to be completed in 2012, but the City has not made a decision to change the operation of the Ventana basin at this time. The proposed detention basins for the Madrone Villages project would mitigate for the potential floodplain impacts for either condition. The peak flow rates and 100-year water surface elevations in Fisher Creek would be lower if the business park drainage goes to the Butterfield Channel.

Hydrology Study

MADRONE VILLAGES MORGAN HILL

HEC-RAS Output

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



Fisher Creek Cross Section Schematic

Case 1

HEC-RAS River: Fisher Creek Reach: Signature Profile: Max WS													
Reach	River Sta	Profile	Plan	Q Total (cfs)	Min Ch El (ft)	W S Elev (ft)	Cnt W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
Signature	4013.781	Max WS	100 EX	266.03	345.02	349.50		349.70	0.001868	3.77	83.92	62.49	0.37
Signature	4013.781	Max WS	Chan 100	266.03	345.02	349.47		349.64	0.001362	3.43	89.76	60.71	0.32
Signature	3765.056	Max WS	100 EX	265.43	344.30	349.09		349.26	0.001671	3.34	81.23	32.98	0.35
Signature	3765.056	Max WS	Chan 100	265.42	344.30	349.14		349.31	0.001302	3.36	83.68	33.27	0.31
Signature	3489.31	Max WS	100 EX	336.67	343.80	348.28		348.57	0.002992	4.40	84.84	64.61	0.46
Signature	3489.31	Max WS	Chan 100	335.64	343.80	348.45		348.74	0.002437	4.55	91.48	76.30	0.42
Signature	3253.612	Max WS	100 EX	336.60	343.00	347.90		348.07	0.001226	3.43	111.11	63.58	0.31
Signature	3253.612	Max WS	Chan 100	335.16	343.00	348.03		348.24	0.001707	3.68	91.76	35.74	0.36
Signature	3020.618	Max WS	100 EX	336.53	342.75	347.26		347.59	0.003354	4.63	73.46	33.69	0.48
Signature	3020.618	Max WS	Chan 100	334.41	342.75	347.56		347.80	0.002047	3.95	84.68	26.96	0.39
Signature	2822	Max WS	Chan 100	334.75	342.00	347.40		347.52	0.000892	2.90	147.47	125.95	0.27
Signature	2722.839	Max WS	100 EX	336.12	342.00	346.63		346.83	0.002031	3.73	105.02	82.69	0.37
Signature	2722.839	Max WS	Chan 100	334.42	342.00	346.42		346.73	0.002957	4.47	76.44	40.73	0.47
Signature	2444.037	Max WS	100 EX	336.97	340.75	345.78		346.10	0.003244	4.54	74.28	25.88	0.47
Signature	2444.037	Max WS	Chan 100	334.01	340.75	345.90		346.10	0.001579	3.54	94.35	28.61	0.34
Signature	2112.69	Max WS	100 EX	336.64	339.85	345.14		345.32	0.001604	3.32	101.76	170.05	0.34
Signature	2112.69	Max WS	Chan 100	333.17	339.85	345.29		345.43	0.002458	2.96	112.61	203.19	0.40
Signature	1845.929	Max WS	100 EX	338.12	339.05	344.12		344.46	0.005005	4.71	71.97	111.14	0.57
Signature	1845.929	Max WS	Chan 100	334.95	339.05	344.03		344.40	0.005504	4.86	68.97	101.97	0.59
Signature	1445.51	Max WS	100 EX	337.93	337.50	342.12		342.46	0.005120	4.72	71.75	121.75	0.58
Signature	1445.51	Max WS	Chan 100	334.63	337.50	342.06		342.39	0.004701	4.58	73.13	107.86	0.55
Signature	1148.809	Max WS	100 EX	337.83	336.00	341.20		341.44	0.001867	4.00	93.30	91.57	0.38
Signature	1148.809	Max WS	Chan 100	334.50	336.00	341.20		341.43	0.001833	3.97	93.22	91.47	0.37
Signature	989.1571	Max WS	100 EX	337.84	336.00	340.69	339.18	341.03	0.003228	4.66	72.49	64.65	0.48
Signature	989.1571	Max WS	Chan 100	334.47	336.00	340.71	339.17	341.04	0.003122	4.59	72.85	65.26	0.47
Signature	975			Bridge									
Signature	940	Max WS	100 EX	337.80	336.00	339.69		340.39	0.008639	6.75	50.03	20.29	0.76
Signature	940	Max WS	Chan 100	334.45	336.00	339.67		340.37	0.008596	6.72	49.76	20.24	0.76
Signature	755.137	Max WS	100 EX	337.73	335.00	339.23		339.38	0.001484	3.16	112.41	68.98	0.33
Signature	755.137	Max WS	Chan 100	334.38	335.00	339.21		339.36	0.001479	3.15	111.69	68.59	0.33
Signature	435.4984	Max WS	100 EX	337.33	335.00	337.99		338.34	0.005084	4.79	70.48	218.41	0.59
Signature	435.4984	Max WS	Chan 100	333.87	335.00	337.97		338.33	0.005093	4.77	69.96	208.51	0.59
Signature	317.9987	Max WS	100 EX	337.35	334.00	337.32		337.74	0.005418	5.19	64.99	130.71	0.61
Signature	317.9987	Max WS	Chan 100	333.86	334.00	337.30		337.72	0.005409	5.17	64.57	130.24	0.61
Signature	273.7088	Max WS	100 EX	337.34	334.00	336.87		337.44	0.008171	6.08	55.46	94.30	0.75
Signature	273.7088	Max WS	Chan 100	333.87	334.00	336.86		337.42	0.008111	6.05	55.21	94.24	0.75
Signature	95.80535	Max WS	100 EX	337.31	334.00	336.26	335.86	336.41	0.003172	3.52	119.81	187.95	0.46
Signature	95.80535	Max WS	Chan 100	333.84	334.00	336.25	335.85	336.40	0.003182	3.52	118.77	187.69	0.46

Case 2

HEC-RAS River: Fisher Creek Reach: Signature Profile: Max WS													
Reach	River Sta	Profile	Plan	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
Signature	4013.781	Max WS	100 EX B	266.39	345.02	349.31		349.56	0.002452	4.15	73.15	51.54	0.42
Signature	4013.781	Max WS	100 Proj b	266.39	345.02	349.22		349.44	0.001870	3.83	76.41	46.23	0.38
Signature	3765.056	Max WS	100 EX B	266.35	344.30	348.70		348.94	0.002559	3.90	68.99	29.40	0.42
Signature	3765.056	Max WS	100 Proj b	266.35	344.30	348.72		348.95	0.002081	3.91	70.38	29.58	0.39
Signature	3489.31	Max WS	100 EX B	266.25	343.80	347.86		348.14	0.003416	4.23	64.22	35.29	0.47
Signature	3489.31	Max WS	100 Proj b	266.19	343.80	347.91		348.24	0.003212	4.69	60.74	37.19	0.47
Signature	3253.612	Max WS	100 EX B	266.20	343.00	347.42		347.58	0.001320	3.25	85.39	43.51	0.31
Signature	3253.612	Max WS	100 Proj b	266.18	343.00	347.45		347.64	0.001854	3.54	75.14	25.92	0.37
Signature	3020.618	Max WS	100 EX B	266.09	342.75	346.79		347.08	0.003025	4.34	61.38	21.88	0.46
Signature	3020.618	Max WS	100 Proj b	266.13	342.75	346.90		347.14	0.002461	3.93	67.72	24.61	0.42
Signature	2922	Max WS	100 Proj b	266.61	342.00	346.58		346.75	0.001551	3.36	83.28	48.24	0.34
Signature	2722.839	Max WS	100 EX B	265.94	342.00	346.09		346.32	0.002419	3.83	69.91	37.91	0.40
Signature	2722.839	Max WS	100 Proj b	266.50	342.00	345.82		346.13	0.003463	4.46	59.79	23.29	0.49
Signature	2444.037	Max WS	100 EX B	266.99	340.75	345.29		345.57	0.003028	4.27	62.56	22.50	0.45
Signature	2444.037	Max WS	100 Proj b	266.22	340.75	345.20		345.39	0.001860	3.54	75.11	25.79	0.37
Signature	2112.69	Max WS	100 EX B	266.74	339.85	344.72		344.86	0.001239	3.01	88.58	133.50	0.30
Signature	2112.69	Max WS	100 Proj b	266.08	339.85	344.73		344.87	0.001263	3.07	86.62	133.00	0.31
Signature	1845.929	Max WS	100 EX B	268.36	339.05	343.75		344.06	0.004889	4.47	59.98	66.63	0.55
Signature	1845.929	Max WS	100 Proj b	268.25	339.05	343.65		343.99	0.005438	4.69	57.15	54.38	0.58
Signature	1445.51	Max WS	100 EX B	268.22	337.50	341.74		342.06	0.005160	4.53	59.22	66.45	0.57
Signature	1445.51	Max WS	100 Proj b	268.14	337.50	341.69		341.99	0.004617	4.40	60.88	61.62	0.54
Signature	1148.809	Max WS	100 EX B	268.21	336.00	340.82		341.03	0.001840	3.68	76.77	38.11	0.37
Signature	1148.809	Max WS	100 Proj b	268.10	336.00	340.83		341.04	0.001809	3.66	77.29	38.40	0.36
Signature	989.1571	Max WS	100 EX B	268.20	336.00	340.41	338.82	340.67	0.002633	4.08	65.71	54.05	0.43
Signature	989.1571	Max WS	100 Proj b	244.03	336.00	340.46	338.69	340.67	0.002071	3.64	67.01	56.72	0.38
Signature	975		Bridge										
Signature	940	Max WS	100 EX B	268.19	336.00	339.37		339.95	0.007848	6.13	43.74	19.13	0.71
Signature	940	Max WS	100 Proj b	268.08	336.00	339.37		339.95	0.007845	6.13	43.73	19.13	0.71
Signature	755.137	Max WS	100 EX B	268.16	335.00	338.90		339.03	0.001407	2.91	95.59	60.03	0.32
Signature	755.137	Max WS	100 Proj b	268.05	335.00	338.90		339.03	0.001407	2.91	95.57	60.02	0.32
Signature	435.4984	Max WS	100 EX B	268.00	335.00	337.67		337.98	0.005322	4.50	59.58	118.46	0.59
Signature	435.4984	Max WS	100 Proj b	267.88	335.00	337.67		337.98	0.005322	4.50	59.57	118.38	0.59
Signature	317.9987	Max WS	100 EX B	267.99	334.00	337.03		337.38	0.005113	4.72	56.77	114.85	0.59
Signature	317.9987	Max WS	100 Proj b	267.88	334.00	337.03		337.38	0.005112	4.72	56.75	114.55	0.59
Signature	273.7088	Max WS	100 EX B	267.99	334.00	336.68		337.12	0.006816	5.30	50.52	93.15	0.68
Signature	273.7088	Max WS	100 Proj b	267.88	334.00	336.68		337.12	0.006814	5.30	50.52	93.15	0.68
Signature	95.80535	Max WS	100 EX B	267.96	334.00	336.10	335.71	336.24	0.003325	3.38	99.36	182.73	0.47
Signature	95.80535	Max WS	100 Proj b	267.87	334.00	336.10	335.71	336.24	0.003326	3.38	99.33	182.72	0.47



applicant:

KELLY VO
PO BOX 32115
SAN JOSE, CA 95152

engineer:

MH ENGINEERING
16075 Mustang Boulevard
Morgan Hill, CA 95037
(408) 779-7381

building notes:

LOT	PLAN
1	RELOCATED HOUSE
2	PLAN 1A-R
3	PLAN 1B-R
4	PLAN 2A
5	PLAN 1A
6	PLAN 1B-R

setback notes:

7,000
TYPICAL FRONT YARD SETBACK:
TYPICAL REAR YARD SETBACK:
TYPICAL SIDE YARD SETBACK:

building mix:

1	RELOCATED
2	PLAN 1A-R
3	PLAN 2A
6	TOTAL

building coverage calcs:

1,043	PROJECT NET AREA:
0,080	DRIVEWAY COVERAGE:
0,283	BUILDING COVERAGE:
29.48%	% BUILDING COVERAGE:

density calcs:

1,043	TOTAL PROJECT AREA:
0,000	DEDICATED RIGHT OF WAY:
1,043	PROJECT NET AREA:
8	NO. UNITS PROPOSED:
0,000	OPEN SPACE AREA:

AppleTree Investment
site development plan /
tentative map

DPC

DEVELOPMENT
PROCESS
CONSULTANTS

220 LIVE OAK DRIVE
(408) 421-2895

DAWVILLE, CA 94506
EMAIL: INFO@DPCCONSULTANTS.COM

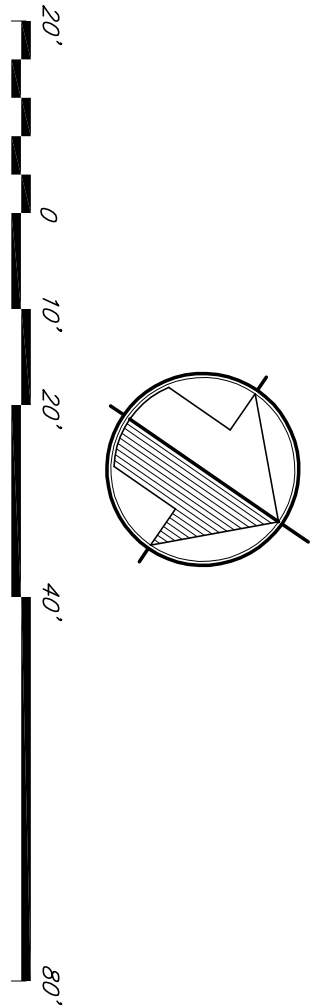
MH engineering Co.

16075 Mustang Boulevard
Morgan Hill, CA 95037

DATE: 1/19

DRAWN: RS

CHECKED: WJM



SCALE : 1" = 20'

Appendix F
Arborist Report



License #678321 ~ Arborist #WE-6620A ~ Insured PL/PD ~ Workers Compensation ~ 408-722-8942 ~ arborist@garlic.com ~ www.mokismith.com

Apple Tree Investments
P.O. Box 32115
San Jose, CA 95152
(408) 799-4507
vkelly1979@yahoo.com

February 9, 2019

Contact: Kelly Vo
Property at: Campoli Dr X Old Monterey R
18755 Old Monterey Rd
Project: Morgan Estate

As per your request I visited the property listed above to inspect 23 trees located on the site.

All but 1 of these trees are Black walnut and appear to have grown up out of orchard root stock.

It is likely that originally these trees were English walnut grafted onto Black walnut root stock which is a customary orchard stock since the Black walnut is more resistant to pest and other infestations than English walnut.

The life span for walnut orchard trees in California is normally approximately 35 years and this orchard has outlived its life span.

None of the trees on this site are considered significant and can be removed to facilitate construction.

Please feel free to request any additional information or clarification.

Respectfully submitted,

Moki Smith

Moki Smith
Smith Tree Specialists, Inc
Arborist #WE-6620

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

12084.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	32"	22'	18'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12085.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	24"	18'	14'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12086.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	6" 8" 10"	20'	12'	Poor

Observations:

This tree has a multi leader main stem with 3 main uprights.

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12087.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	36"	15'	20'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12088.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	24"	20'	12'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12089.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	24"	22'	16'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12090.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	24"	15'	12'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12091.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	26"	18'	12'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12092.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	16"	12'	16'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12093.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	38"	18'	12'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12094.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	12"	14'	12'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12095.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	18"	15'	12'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12096.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	18"	15'	12'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12097.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	16"	12'	15'	Poor

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12098.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Apricot	<i>Prunus sp.</i>	4"	9'	6'	Fair

Observations:

This tree is in poor condition and in a state of decline

This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12099.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	18"	16'	15'	Poor

Observations:

This tree is in poor condition and in a state of decline
This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12100.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	20"	16'	14'	Poor

Observations:

This tree is in poor condition and in a state of decline
This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12101.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	24"	16'	15'	Poor

Observations:

This tree is in poor condition and in a state of decline
This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12102.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	6"	10'	6'	Poor

Observations:

This tree is in poor condition and in a state of decline
This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12103.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	26"	18'	15'	Poor

Observations:

This tree is in poor condition and in a state of decline
This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12104.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	16"	14'	12'	Poor

Observations:

This tree is in poor condition and in a state of decline
This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

12105.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Black walnut	<i>Juglans nigra</i>	30"	18'	12'	Poor

Observations:

This tree is in poor condition and in a state of decline
This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

NO Tag.	Common Name	Species	D.B.H.	Height	Canopy Spread	Condition
	Plum	<i>Prunus sp.</i>	8"	19'	12'	Poor

Observations:

This tree is not tagged. It is located behind a fence and not accessible.
This tree is in poor condition and in a state of decline.
This tree is not considered significant in the City of Morgan Hill and can be removed.

Recommendations:

Remove

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



Tag #12084

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



Tag #12085



Tag #12086



Tag #12087



Tag #12088



Tag #12089



Tag #12090



Tag #12091



Tag #12092



Tag #12093

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



Tag #12094



Tag #12095

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



Tag #12096



Tag #12097



Tag #12098

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



Tag #12099



Tag #12100



Tag #12101

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



Tag #12102



Tag #12103



#12104

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



Tag #12105

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



No Tag

Located behind fence not accessible.

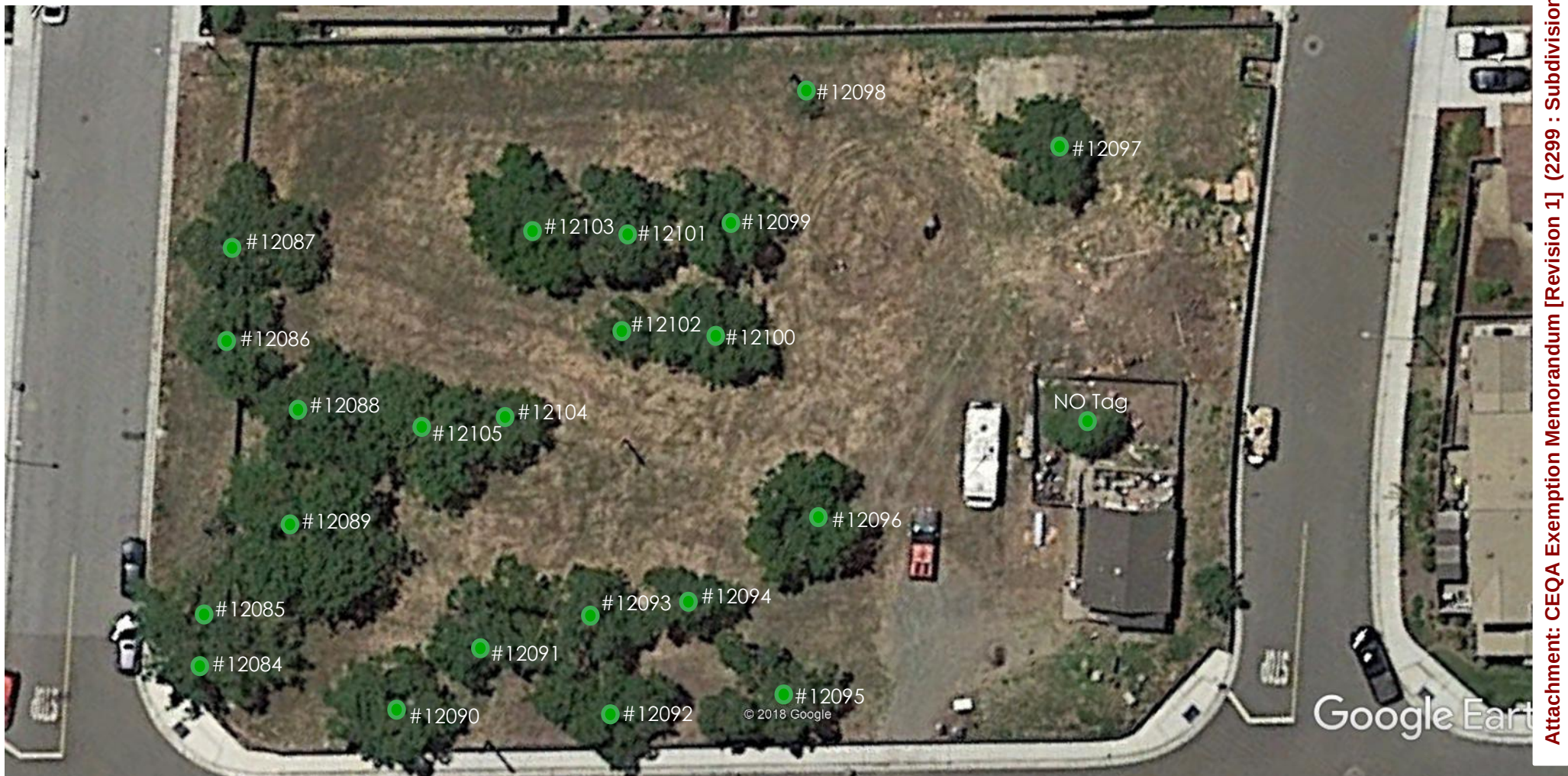
Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)

Apple Tree Investments
P.O. Box 32115
San Jose, CA 95152
(408) 799-4507
vkelly1979@yahoo.com

February 9, 2019

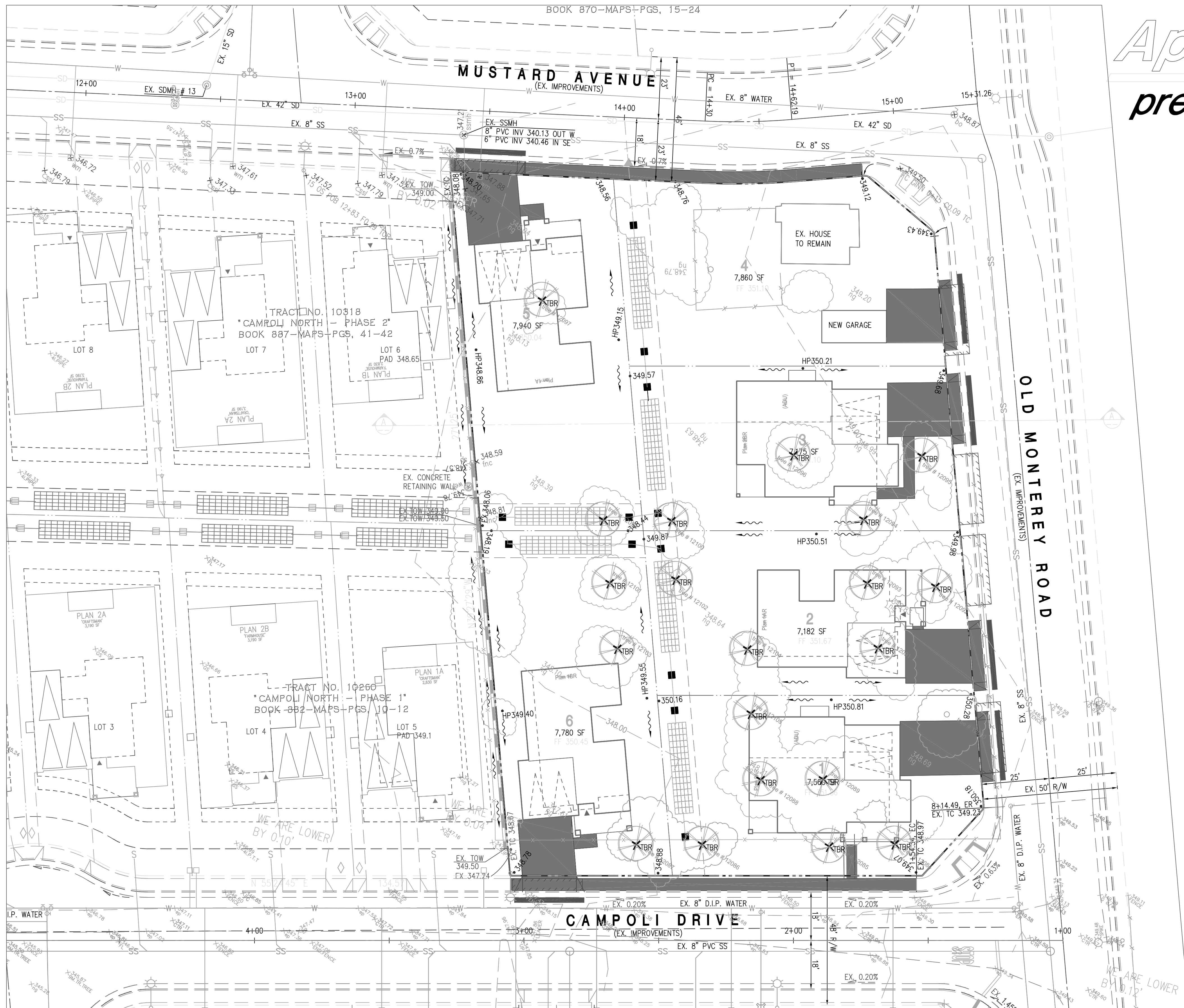
Contact: Kelly Vo
Property at: Campoli Dr X Old Monterey Rd
APN # TBD

Attachment: CEQA Exemption Memorandum [Revision 1] (2299 : Subdivision Old Monterey-Kelly Vo)



License #678321 ~ Arborist #WE-6620A ~ Insured PL/PD ~ Workers Compensation ~ 408-722-8942 ~ arborist@garlic.com ~ www.mokismith.com

L:\Projects\2002\215087.2\dwg\215087.2-P&P.dwg 1/4/2019 3:33:12 PM PST
Xref's: 215087.2 TP, 215087.2 HATCH, 215087.2 PLO-TEXT, 215087.2 3D, 215087 LO New

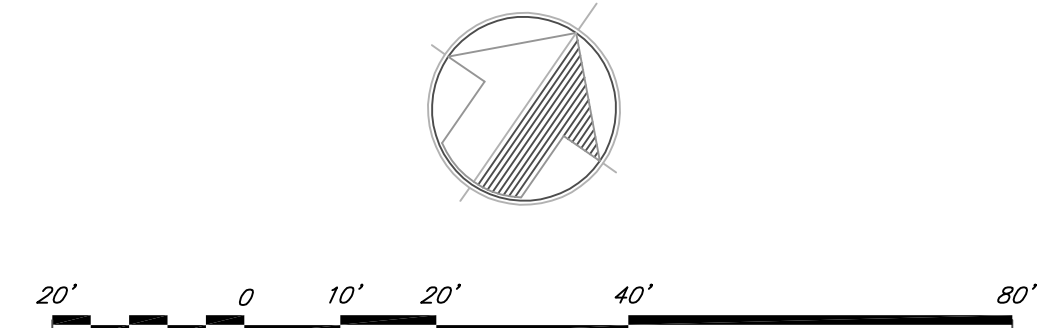


Appletree Investment

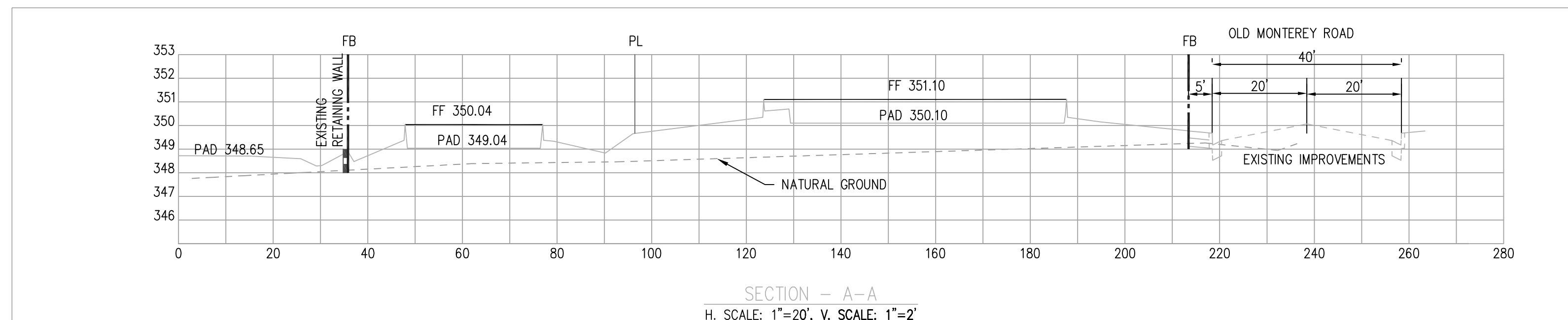
preliminary grading plan

legend

- TREE TO REMAIN
- TREE TO BE REMOVED
- "RAINTANK" INFILTRATION TANK
- STORM DRAIN INLET



SCALE : 1" = 20'



applicant:

Kelly Vo
P.O. Box 32115
San Jose, CA 95132
(408) 779-4507

engineer:

MH ENGINEERING
16075 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 779-7381

planner:

VINCE BURGOS
220 LIVE OAK DRIVE
DANVILLE, CA 94506
(408) 421-2695

DpC
DEVELOPMENT
PROCESS
CONSULTANTS

220 LIVE OAK DRIVE
(408)-421-2695
DANVILLE, CA 94506
EMAIL: VRBURGOS@HOTMAIL.COM

MH engineering Co.
16075 Vineyard Boulevard
Morgan Hill, CA 95037

DATE: 2/19 DRAWN: RS CHECKED: WJM

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