



Regular Meeting Agenda
Planning Commission

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

Tuesday, October 8, 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

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. **SD2018-0006, DA2018-0003, EA2018-0023, ZA2019-0006: DIANA - MANA HANAIEI PROJECT (MONTECITO ESTATES) - SUBDIVISION MAP, DEVELOPMENT AGREEMENT, ENVIRONMENTAL ASSESSMENT, AND ZONING AMENDMENT FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBERS 726-09-001 AND 726-09-002 LOCATED AT 815 DIANA AVENUE AT THE NORTHWEST CORNER OF DIANA AVENUE AND LOTUS WAY.**

Recommendation:

1. Open/close public hearing; and,
2. Continue the public hearing to the October 22, 2019 Planning Commission meeting.

2. **UP2018-0015: MONTEREY – VOICES: CONDITIONAL USE PERMIT TO ALLOW A PUBLIC CHARTER SCHOOL ON A PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 767-17-047 LOCATED AT THE NORTHWESTERN INTERSECTION OF MONTEREY ROAD AND COSMO AVENUE.**

Recommendation:

1. Open/close public hearing;
2. Adopt a Resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project; and,
3. Adopt a Resolution approving a Conditional Use Permit for Phase I of the Monterey-Voices public charter school project.

OTHER BUSINESS

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

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

PUBLIC COMMENT

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

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

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

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

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

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

AMERICANS WITH DISABILITIES ACT (ADA)

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



PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 8, 2019

PREPARED BY: Joey Dinh, Associate Planner

APPROVED BY: Jennifer Carman, Community Development Director

SD2018-0006, DA2018-0003, EA2018-0023, ZA2019-0006: DIANA - MANA HANALEI PROJECT (MONTECITO ESTATES) - SUBDIVISION MAP, DEVELOPMENT AGREEMENT, ENVIRONMENTAL ASSESSMENT, AND ZONING AMENDMENT FOR PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBERS 726-09-001 AND 726-09-002 LOCATED AT 815 DIANA AVENUE AT THE NORTHWEST CORNER OF DIANA AVENUE AND LOTUS WAY.

RECOMMENDATION(S)

1. Open/close public hearing; and,
2. Continue the public hearing to the October 22, 2019 Planning Commission meeting.

PROJECT SUMMARY

The City has requested that this project be continued to allow staff additional time complete the necessary documentation for the project. This project will be continued to the October 22, 2019 Planning Commission meeting.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 8, 2019

PREPARED BY: Joey Dinh, Associate Planner

APPROVED BY: Jennifer Carman, Community Development Director

UP2018-0015: MONTEREY – VOICES: CONDITIONAL USE PERMIT TO ALLOW A PUBLIC CHARTER SCHOOL ON A PROPERTY IDENTIFIED BY ASSESSOR PARCEL NUMBER 767-17-047 LOCATED AT THE NORTHWESTERN INTERSECTION OF MONTEREY ROAD AND COSMO AVENUE.

RECOMMENDATION(S)

1. Open/close public hearing;
2. Adopt a Resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project; and,
3. Adopt a Resolution approving a Conditional Use Permit for Phase I of the Monterey-Voices public charter school project.

LOCATION MAP:



PROJECT SUMMARY:

1. Location: Northwest corner of intersection of Monterey Road and Cosmo Avenue/APN 767-17-047
2. Site Area: 2.02-acres
3. General Plan: Mixed Use Flex (MU-F)
4. Zoning: Mixed Use Flex (MU-F)

BACKGROUND:

Voices College-Bound Language Academy has been operating a public charter school within the Morgan Hill Ranch Business Park at 610 Jarvis Drive since July 2017; prior to

that, the charter school operated temporarily at the Advent Lutheran Church in Morgan Hill. The charter school is proposed to be relocated to a vacant 2.02-acre parcel on the northwest corner of the intersection of Monterey Road and Cosmo Avenue. A public school is allowed in the Mixed Used Flex (MU-F) zone district with an approved Conditional Use Permit.

PROJECT DESCRIPTION

Pacific West Communities, Inc., proposes a Conditional Use Permit to establish a K-8 public charter school, to be developed in two phases at the project site. Phase I would include development of a 27,825-square foot school building, an uncovered parking lot, an outdoor playground and turf play area, an outdoor lunch shelter, trash enclosure, and associated improvements. The two-story school building will have 18 classrooms, office/administrative space, a teacher's room, cafeteria, and restrooms.

Phase II would replace the outdoor lunch shelter with a 7,326 square foot multi-purpose building. Phase II would also include a reading room, special education room, storage space, and bathrooms.

For the first year of operation, the school would serve approximately 360 students and include approximately 46 employees. At full buildout, the school is expected to serve up to 504 students and include approximately 63 employees. Office hours at the proposed school would be limited to 7:30 AM to 4:30 PM, Monday through Friday. Staff would typically be on-site between 7:00 AM to 6:00 PM. In addition to typical daily operations, the proposed school would host a range of school events on-site including, but not limited to annual winter celebration, one to two Kermes/Carnival celebrations per year, a kinder graduation, parent workshops, and parent fundraisers. Furthermore, an afterschool program would be provided for a limited number of students. These activities are held at the current site.

Detailed project plans and a project justification statement are attached (Attachments 3 and 4).

Parking, Access and Circulation

Access to the project would be provided by a new driveway on Cosmo Avenue, with restricted turn movements limited to right-in and right-out only. There is a separate emergency vehicle (EV) only (no curb cuts) access off Monterey Road, near the northeast corner of the site. There is also a pedestrian-only entrance off Monterey Road near the Southeast corner of the site.

The project is providing 33 on-site parking spaces for Phase I. Sufficient onsite parking has not been provided for Phase II of the project. The lease at Jarvis Drive school site is set to expire, therefore the applicant is requesting approval of Phase I (parking provided) and conditional approval of Phase II (Parking agreement required). Phase II of the project would not be implemented until the Planning Commission has approved an off-site Parking agreement for Phase II activities.

The City Engineer has been evaluating the on-street parking along the southern project

site frontage on Cosmo Avenue and may determine that parking should be permanently restricted (red curb) or time-restricted to the school peak hours only. The City Engineer will make a final determination regarding the parking restrictions upon review of the improvement plans for the site.

Student Drop-off/Pick-up

During morning drop-off times, school staff or parent volunteers will be stationed along the drop-off area to assist students in and out of vehicles and improve drop-off procedure efficiency. Additionally, in order to speed up student pick-up, parents will place a name card on the passenger side visor showing the last name and grade level of the child being picked-up. Staff will radio ahead to ensure the student is ready for pickup when the parent reaches the drop-off area. Measures will be taken to ensure efficient utilization of the available queue storage space within the project site and the efficient and safe loading/unloading of the students.

The drop-off/pick-up area will be well-defined with signage and pavement markings clearly showing the student loading zone and each vehicle position. The loading lane will be designed to provide the maximum loading area possible. During drop-off times, school staff will be positioned along the drive aisle to ensure that students do not unload outside of the designated loading zone.

The proposed charter school shall implement 30-minute staggered start times; specifically, a start time of 8:00 AM for upper grade levels (sixth through eighth grades) and 8:30 AM for lower grade levels (kindergarten through fifth grades).

Infrastructure and Improvements

Water and sewer service are available to the site. There is an existing hydrant located at the southeast portion of the site and a new hydrant will be connected within the proposed parking lot. Stormwater runoff will be captured and treated with underground storm drain piping and a series of four bio-retention basins located within the eastern portion of the site.

Landscaping will be provided throughout the site and along project frontages at Cosmo Avenue and Monterey Road. The western portion of the site is within an existing temporary construction easement for the Santa Clara Valley Water District Upper Llagas Creek Flood Protection Project. There is also a 35-foot wide buffer east of the easement required by the Santa Clara Valley Habitat Plan (SCVHP). This buffer area would be planted with native riparian vegetation and retained as open space and would contain a five-foot-wide interpretive trail consisting of decomposed granite.

Site Description

The 2.02-acre parcel is vacant and consists primarily of grasses and a few trees. West Little Llagas Creek, a narrow-channelized creek, runs through the project site along the western property line. A temporary construction easement for the Upper Llagas Creek Flood Protection Project has been executed between the Santa Clara Valley Water District and the property owner.

Surrounding Zoning/Land Use

North: MU-F & CG/Vacant land, commercial uses
 East: MU-F, PUD, & PF/Commercial uses along Monterey Road such as retail, restaurants, office, and a post office.
 South: MU-F & CG/Commercial uses such as retail, car wash, offices, and restaurants.
 West: RDM-7,000 & RAL-3,000/Undeveloped open space, multi-family attached housing, and single-family detached residences.

ANALYSIS:

The proposed Conditional Use Permit for a public charter school was analyzed for consistency with the: 1) General Plan; 2) Zoning Code; 3) Conditional Use Permit Findings; and 4) California Environmental Quality Act.

1. General Plan

The site has a Mixed Use Flex (MU-F) designation in the Morgan Hill 2035 General Plan. The MU-F land use designation allows a mix of residential, commercial, and office uses. This designation allows a maximum floor area ratio (FAR) of 0.5. Prior to development of Residential or Mixed-Use projects, a block level master plan is required. Non-commercial projects may proceed without the preparation of a block level master plan. A public charter school is a public/quasi-public use that is allowed with approval of a Conditional Use Permit.

The following are General Plan Goals and Policies that are relevant to the proposed Use Permit:

Policy CNF-2.3 Quality of Life

Maintain Morgan Hill's high quality of life for existing and future residents.

Policy CNF- 6.4 Public Facilities Upgrades

Evaluate the need for improvements to existing public facilities based on such factors as the location and extent of new, residential, commercial, and industrial development, residential densities, and neighborhood development patterns.

Policy CNF- 8.18 Monterey Road Development Form

Ensure that development along West Little Llagas Creek incorporates the creek as an amenity.

Policy HC-1.1 Neighborhood Schools

Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a community resource facility.

Policy HC-1.3 Quality Education

Cooperate with the City of San Jose, Santa Clara County, and the Morgan Hill Unified School District to ensure a high quality education experience by providing adequate and safe school facilities, preventing overcrowding, and providing school locations convenient to the population served.

Consistency

Facilitating the location of the public charter school will help further educational quality and quality of life by providing more Morgan Hill residents an opportunity to attend the dual-immersion school. The existing Voices Morgan Hill location is at capacity and this location will allow the school to increase capacity and upgrade its facilities with a completely new build.

The project has components that will install off-site improvements to Monterey Road and Cosmo Avenue to increase level of service and overall road safety such as improvements at the San Pedro Avenue intersection, traffic light improvements and new pedestrian crosswalks at the Cosmo Avenue Intersection, and a new lighted pedestrian yield sign at the Little Llagas Creek Trail crossing. The school will also plant native riparian plants and install an interpretive walkway along West Little Llagas Creek to help educate and highlight the creek as an amenity.

2. Zoning Ordinance

The zoning designation of the site is Mixed Use Flex (MU-F). The purpose of the MU-F zone is to promote diversity of residential and commercial land uses. In the mixed use zoning districts, the design of development supports a welcoming, pedestrian-friendly public realm. A diversity of local and independent businesses, recreational amenities, and public spaces meet the needs of residents, workers, and visitors. As stated previously, public charter schools are a permitted use in the MU-F zoning district with an approved Conditional Use Permit (CUP).

This is a public charter school with ancillary functions such as community events, school fundraisers and graduation; therefore, parking is required for all uses. The following demonstrates the parking required and provided for each use at the site:

Use	Parking Required	Parking Provided
Public School	30 (1 per classroom plus 1 per 250 square feet of office space)	33
Community Assembly	210 (1 per 5 fixed seats, or 1 space per 35-square feet of assembly space, whichever is more, plus 1 space per 250-square feet of office area)	0

Phase I Parking

The City requires one parking space for each classroom plus one parking space per 250 square feet of office space. At full buildout, there will be 20 classrooms and a total of 2,500 square feet of office space. The Municipal Code requires 30 on-site parking

spaces. The site plan demonstrates that 33 parking spaces can be provided. The lease on the current school space at Jarvis Drive is set to expire, therefore the applicant is requesting approval of Phase I only.

Phase II Parking

During Phase II of the project, there will be a 7,326 square feet multi-purpose building that could potentially host any extracurricular school events such as school plays or graduations. The school also plans to host fundraising activities such as seasonal celebrations and carnivals. Because there is a community assembly component to the project, 210 parking spaces are required. In accordance with Section 18.72.050 (On-site parking alternatives) the applicant is working to secure an off-site Parking agreement; therefore, Conditional approval of Phase II is being requested.

When considering off-site parking alternatives, the Planning Commission may allow off-site parking if:

- a. Practical difficulties prevent the parking from being located on the same lot it is intended to serve;
- b. Parking is located within a reasonable distance of the use it is intended to serve; and,
- c. A covenant record, approved by the city attorney, shall be filed with the county recorder. The covenant record shall require the owner of the property where the on-site parking is located to continue to maintain the parking space so long as the building, structure, or improvement is maintained in Morgan Hill. This covenant shall stipulate that the title and right to use the parcels shall not be subject to multiple covenant or contract for use without prior written consent of the city.

Once the applicant secures an off-site parking agreement, the details of the Agreement will be brought to the Planning Commission for final consideration. A Condition of Approval has been added to the project that would restrict on-site extracurricular school events until the applicant has secured an off-site parking agreement and obtained Phase II approval from the Planning Commission.

3. Conditional Use Permit Findings

In reviewing the Conditional Use Permit, the Planning Commission shall consider the following:

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

Public charter schools are identified as a “Permitted Use” in the MU-F zoning district with an approved Conditional Use Permit. The Planning Commission could approve the Conditional Use Permit if all the findings for approval can be met.

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

The project is consistent with the MU-F General Plan designation and Zoning Code. Non-residential projects located within the MU-F district are not required to pursue a block level master plan. The site plan will provide adequate parking for the school, however, will require an off-site parking agreement for development of a multipurpose building and to accommodate extracurricular school events. As a result, the applicant is seeking approval of the Conditional Use Permit (CUP) for Phase I of the project, while obtaining conditional approval of Phase II, with final approval to be obtained by the Planning Commission only upon approval of an acceptable off-site parking agreement.

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

The proposed use can be accommodated within the 2.02-acre parcel. The school will be fenced but will also provide an interpretive trail along West Little Llagas Creek Trail and off-site improvements along Cosmo Avenue and Monterey Road including the construction of a new pedestrian crosswalk, lighted yield trail crossing signs, and associate road improvements. The use will not adversely affect the existing uses that are adjacent to the site.

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

The site is adequate for school use, including the school buildings, parking area, and interpretive trail. The use is compatible with existing land uses of residential and commercial. The design of the buildings and landscape will complement Monterey Road and West Little Llagas Creek.

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

Office hours at the proposed school would be limited to 7:30 AM to 4:30 PM, Monday through Friday. Staff would typically be on-site between 7:00 AM to 6:00 PM. The proposed hours of operation of the school are consistent with the surrounding land uses.

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

The proposed project will not have a substantial adverse effect on the traffic circulation or capacity of the street system because Mitigation Measures and Conditions of Approval have been incorporated into the project to maintain the level of service of the roadways and improve pedestrian safety with the required off-site improvements along Monterey Road and Cosmo Avenue.

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

The proposed use is within the City's Urban Service area where utilities, such as gas, water, sewer, and electricity and public services are provided.

Conclusion

The proposed use is allowed within the General Plan and Zoning district and is compatible with surrounding uses. Staff recommends approval of the proposed Conditional Use Permit for Phase I of the project. The applicant will be required to obtain an off-site parking agreement to the satisfaction of the Planning Commission for Phase II of the project.

4. California Environmental Quality Act (CEQA):

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project by Raney Planning and Management Inc. dated August 2019 in conformance with the California Environmental Quality Act (CEQA). The IS/MND was circulated for 30-days from August 30, 2019 to September 30, 2019. A copy of the MND and IS are attached (Attachments 5 and 6). Following preparation of the IS, a revision was made and is reflected in the Errata Sheet (Attachment 7). The revisions to the IS/MND reflected in the Errata Sheet does not affect the adequacy of the previous environmental analysis contained in the IS/MND. Because the changes would not result in any new significant impacts or a substantial increase in the severity of an environmental impact identified in the IS/MND, recirculation of the IS/MND is not required.

Sixty-six comment letters have been received for the project. Raney Planning and Management Inc. has prepared detailed response to comments related to the CEQA evaluation (Attachment 8).

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared (Attachment 9) for the project which includes all measures required to reduce potentially significant environmental impacts to a less-than-significant level. In addition, the MMRP identifies the timing of implementation; the agency responsible for implementing the mitigation; and the agency responsible for monitoring the mitigation. The project results in no significant environmental impacts with the inclusion of Standard Mitigation Measures for Biological Resources (special status animal species – (Special Status Bats), Hydrology and Water Quality (Stormwater), Noise (Construction related) and Traffic.

Impacts are summarized below:

- a. Biological Resources

Special-Status Species

A Biological Report and Tree Survey was prepared for the proposed project by Live Oak Associates, Inc (Attachment 10).

Development of the proposed project would not result in any substantial adverse effects to special-status plants, as the disturbed nature of the site and the lack of suitable habitat precludes the likely occurrence of such species on the site. However, the site provides potential habitat for burrowing owls and nesting migratory birds and raptors protected by the Migratory Birds Treaty Act (MBTA), including Swainson's hawk, northern harrier, whitetailed kite, golden eagle, loggerhead shrike, and grasshopper sparrow. Such species could occur on the project site during construction activities associated with the proposed project.

The project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special status-species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S Fish and Wildlife Service (USFWS), and a potentially significant impact could occur. Mitigation Measures have been incorporated into the project protect special status-species.

Trees

A tree survey was prepared for the project site. Based on the results of the tree survey, the project site contains three trees subject to Section 12.32.030 (Permit-Required) of the Morgan Hill Municipal Code, all of which are walnut trees and are considered to be in fair or good condition. Two of the trees are located at the southwestern corner of the site, adjacent to Cosmo Avenue, and would be retained as part of the project. However, the remaining tree, located along the eastern portion of the site, fronting Monterey Road, would require removal to accommodate the proposed project. Removal would require replacement plantings. The two trees to be retained would require preservation and/or protection measures. Mitigation Measures have been incorporated into the project to protect the trees to be preserved.

b. Hydrology and Water Quality

West Little Llagas Creek, which is considered a Category 2 Stream is located along the western portion of the site. The project would adhere to a 35-foot setback from the creek and riparian habitat as required by the Santa Clara Valley Habitat Plan (SCVHP), except for the proposed interpretive trail. Project ground-disturbing activities within the 35-foot setback would be limited to construction of the trail and planting of native vegetation, as well as potential encroachment of construction equipment for parking lot and drive aisle construction purposes. The project's required compliance with the Stormwater Management Program (SWMP) and National Pollutant Discharge Elimination System (NPDES) regulations would ensure that construction activities would not result in degradation of downstream water quality. Inclusion of specific Best Management Practices (BMPs) related to creek protection would ensure that adverse effects to water quality of the creek would not occur.

It should be noted that a temporary construction easement has been executed between the Santa Clara Valley Water District (SCVWD) and the property owner along the western boundary of the site, contiguous with West Little Llagas Creek. The easement

is necessary for the purpose of implementing the Upper Llagas Creek Flood Protection Project, with associated construction activities anticipated to begin between May 1, 2020 and October 31, 2021. Environmental effects associated with construction, including potential impacts to water quality, have been analyzed in the Upper Llagas Creek Flood Protection Project EIR. Such construction activities are not part of the proposed project.

The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations. However, inclusion of project specific BMPs in the Stormwater Pollution Prevention Plan (SWPPP) prepared for the proposed project would be necessary to ensure that discharge of pollutants to West Little Llagas Creek does not occur during construction activities. Mitigation Measures have been incorporated into the project to address stormwater impacts.

c. Noise

An Environmental Noise & Vibration Analysis was prepared for the proposed project by Bollard Acoustical Consultants, Inc. (Attachment 11).

Construction Activities

Chapter 8.28 (Noise) of the Morgan Hill Municipal Code prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays. The Morgan Hill Municipal Code does not specify any short-term construction noise level limits. Provided project construction activities do not occur during such hours, and that noise-generating equipment is equipped with sound-dampening features such as mufflers, air-inlet silencers, shrouds, shields, or other noise-reducing features where appropriate. Mitigation Measures have been incorporated into the project to address noise-generating construction noise.

Off-Site Traffic Noise

To assess noise impacts due to project-related traffic increases on the local roadway network, traffic noise levels were predicted at a representative distance for Existing, Existing plus Project, Year 2025 Cumulative, and Year 2025 Plus Project conditions. Noise impacts are identified at existing noise-sensitive areas if the noise level increases which result from the project exceed the significance thresholds established in General Plan Policy SSI-8.5.

Pursuant to General Plan Policy SSI-8.5, noise level increases resulting from traffic associated with new projects are considered significant if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} , or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.

With the Existing plus Project conditions, traffic generated by the proposed project would result in traffic noise level increases ranging from 0.0 to 2.5 dB L_{dn} relative to existing conditions. Traffic noise increases occurring under Year 2025 plus Project

conditions would be similar. Given that such increases would be below the significance criteria identified in General Plan Policy SSI-8.5, off-site traffic noise increases associated with the project would not be considered substantial under either Existing plus Project or Year 2025 plus Project conditions.

On-Site Vehicle Circulation Noise

The project is expected to generate 265 vehicle passbys on the proposed circulation route during the AM peak hour. The nearest existing noise-sensitive residential land uses to the on-site circulation route are apartments located approximately 200 feet to the west. Conservatively assuming a vehicle speed of 25 mph, 265 vehicle passbys during a worst-case hour (AM peak hour), and a distance of 200 feet from the centerline of the circulation route, the FHWA Model predicts an hourly average traffic noise level of 44 dB L_{eq} at the property line of the nearest existing residences to the west. Predicted maximum noise levels due to on-site circulation are conservatively estimated to be 10 dB higher than predicted hourly average noise levels (54 dB L_{max}).

Predicted average noise levels due to on-site vehicle circulation would comply with the City's Municipal Code noise level standard of 60 dB L_{eq} . Furthermore, hourly average noise levels due to on-site circulation would be below measured ambient noise levels in the project vicinity. As a result, on-site circulation noise impacts associated with the project would be less than significant.

Playground Noise

The proposed project would include a playground area in the southern portion of the project site. During operations, the morning recess during which the playground would be occupied would occur from approximately 9:25 AM to 10:15 AM. The tentative recess schedule for the various grades at the school is as follows:

- 9:25 to 9:40 AM: Third Grade – 56 Students
- 9:45 to 10:00 AM: First Grade, Fourth Grade, and Fifth Grade – 168 Students
- 10:00 to 10:15 AM: Kindergarten and Second Grade – 112 Students.

A group of approximately 100 children spread out over the various playground locations generates an average and maximum noise levels of approximately 60 dB L_{eq} and 75 dB L_{max} at a distance of approximately 100 feet from the effective noise center of the playground activities.

For noise generated by on-site activities, the Municipal Code establishes a noise level standard of 60 dB L_{eq} assessed at the property line of the receiving residential land use. Playground activity noise levels at the nearest residential receivers are predicted to be 54 dB L_{eq} or less. In addition, predicted hourly average and maximum noise levels due to playground activity at all the nearest residential receivers would be below measured ambient noise levels in the project vicinity. A noise impact relative to ambient conditions would be identified if project-related noise levels exceed hourly average and hourly maximum noise levels of 58 dB L_{eq} and 76 dB L_{max} . Because the predicted noise levels would be well below the criteria, the project would not result in a significant noise increase in the community.

Special Event Noise

The proposed school would host a range of school events including, but not limited to, an annual winter celebration, Kermes/Carnival (outdoor fair) celebrations, a kinder graduation, parent workshops, and parent fundraisers.

The highest noise generation would likely be the Kermes activities, which would typically take place once or twice per year, on Thursday or Friday afternoons, for a two-hour block sometime between 2:00 and 6:00 PM. The events would be held outdoors on the project site and includes carnival games such as bean bag toss, ring toss, etc. Approximately 75 to 150 adults and children would attend the Kermes events.

Average special event noise levels at the nearest residential receivers are predicted to be 56 dB L_{eq} or less. In addition, predicted hourly average and maximum noise levels due to special event activities at all the nearest residential receivers would be below measured ambient noise levels in the project vicinity. A noise impact relative to ambient conditions would be identified if project-related noise levels exceed hourly average and hourly maximum noise levels of 58 dB L_{eq} and 76 dB L_{max} . Because the predicted noise levels would be below such criteria, the project would not result in a significant noise increase in the community.

d. Traffic

A Traffic Impact Analysis was prepared for the project by Hexagon Transportation Consultants, Inc. (Attachment 12).

Trip generation resulting from new development proposed within the City of Morgan Hill typically is estimated by multiplying the Institute of Transportation Engineers (ITE) recommended trip generation rates by the size of the development. However, because the project consists of the expansion and permanent site of an existing school, the trips generated by the proposed school were derived based on trip generation counts conducted at the existing Voices School site on April 3, 2019 by Hexagon Transportation Consultants, Inc. Based on the trip generation counts, at the beginning of the school day (AM peak hour) the trip generation rate for the existing Voices School was calculated to be 1.18 trips per student. At the end of the school day (PM peak hour), the trip generation rates were calculated to be 0.67 trips per student.

The magnitude of traffic added to the roadway system by the proposed project was estimated by multiplying the surveyed trip generation rates by the proposed student enrollment at buildout (504 students). Based on such information, the proposed school would generate approximately 593 AM peak-hour trips and 340 PM peak-hour trips. For comparison purpose, the trip generation for the proposed school was estimated using ITE trip generation rates for charter elementary schools (land use code #537), contained in the ITE Trip Generation Manual, 10th Edition. Based on ITE rates, the proposed school would generate approximately 575 AM peak-hour trips (305 inbound and 270 outbound) and 348 PM peak- hour trips (160 inbound and 188 outbound). Such

projections are shown to be nearly identical to the trip generation rate estimated based on the trip generation counts.

With the exception of the Monterey Road/San Pedro Avenue intersection, the study intersections would operate acceptably with the addition of project traffic and would not conflict with any applicable City standards. In addition, the proposed project would not conflict with adopted policies supporting transit and bicycle transportation.

However, under both Existing Plus Project and Cumulative Plus Project conditions, the proposed project would conflict with applicable City LOS standards at the Monterey Road/San Pedro Avenue intersection. In addition, the existing signal at the Monterey Road/Cosmo Avenue intersection does not include pedestrian phasing necessary to allow for connectivity between the project site and the surrounding area. Therefore, a potentially significant impact would occur related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

In order to ensure a Level of Service (LOS) along Monterey Road and Cosmo Avenue, several off-site right-of-way (ROW) improvements are being proposed as Mitigation Measures and Conditions of Approval for the project. A raised median along Monterey Road at San Pedro Avenue will be installed to restrict left turns out of San Pedro Avenue to southbound Monterey Road. A crosswalk at the northern leg of the intersection of Monterey Road and Cosmo Avenue will be installed and include protected light phasing on all approaches of the intersection. On-street parking along school frontages on Cosmo Avenue and Monterey Road will be restricted. Solid double striping will be installed on Cosmo Avenue to prohibit left turns into and out of the project site. A lighted pedestrian yield sign will be installed at the West Little Llagas Creek crosswalk on Cosmo Avenue.

Community Engagement

The proposed project was publicly noticed (mailing to property owners within 300 feet of the project, newspaper legal noticing, City-wide email blast and public notice sign) for the minimum 10-day period. Sixty-six comment letters have been received for the project (Attachment 13). A detailed response to comments received to date (unrelated to CEQA analysis) has been provided (Attachment 14).

LINKS/ATTACHMENTS:

1. Planning Commission Resolution
2. MND Resolution
3. Enrollment and Statement of Operations
4. Project Plans (Weblink)
5. Initial Study (Weblink)
6. Mitigated Negative Declaration (Weblink)
7. Errata Sheet to MND (Weblink)
8. Mitigation Monitoring and Reporting Program (Weblink)
9. Biological Report and Tree Survey (Weblink)

- 10. Noise and Vibration Analysis (Weblink)
- 11. Traffic Impact Analysis (Weblink)
- 12. Response to Comments- Initial Study/MND
- 13. Voices - All Public Comment Letters Received
- 14. Response to Comments unrelated to the CEQA Analysis

RESOLUTION NO. 19-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A CONDITIONAL USE PERMIT FOR A PUBLIC CHARTER SCHOOL PROJECT TO BE LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF MONTEREY ROAD AND COSMO AVENUE (APN: 767-17-047)

WHEREAS, on November 27, 2018, Pacific West Communities, Inc. submitted an application for a Conditional Use Permit to allow for a public charter school; and

WHEREAS, such request was considered by the Planning Commission at their regular meeting of October 8, 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, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

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

SECTION 2. The Planning Commission of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Resolution. The custodian of the documents or other material which constitute the record shall be the Community Development Department.

SECTION 3. The approved conditional use has been found consistent with the criteria for Conditional Use Permit approval contained in Section 18.108.030 of the Zoning Code and hereby adopted:

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

Public charter schools are identified as a "Permitted Use" in the MU-F zoning district with an approved Conditional Use Permit. The Planning Commission could approve the Conditional Use Permit if all the findings for approval can be met.

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

The project is consistent with the MU-F General Plan designation and Zoning Code. Non-residential projects located within the MU-F district are not required to pursue a block level master plan. The site plan will provide adequate parking for the school, however, will require an Off-site Parking Agreement for development of a multipurpose building and to accommodate extracurricular school events. As a result, the applicant is seeking approval of the Conditional Use Permit (CUP) for Phase I of the project, while obtaining conditional approval of Phase II, with final approval to be obtained by the Planning Commission only upon approval of an acceptable Off-site Parking Agreement.

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

The proposed use can be accommodated within the 2.02-acre parcel. The school will be fenced but will also provide an interpretive trail along West Little Llagas Creek Trail and off-site improvements along Cosmo Avenue and Monterey Road including the construction of a new pedestrian crosswalk, lighted yield trail crossing signs, and associate road improvements. The use will not adversely affect the existing uses that are adjacent to the site.

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

The site is adequate for school use, including the school buildings, parking area, and interpretive trail. The use is compatible with existing land uses of residential and commercial. The design of the buildings and landscape will complement Monterey Road and West Little Llagas Creek.

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

Office hours at the proposed school would be limited to 7:30 AM to 4:30 PM, Monday through Friday. Staff would typically be on-site between 7:00 AM to 6:00 PM. The proposed hours of operation of the school are consistent with the surrounding land uses.

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

The proposed project will not have a substantial adverse effect on the traffic circulation or capacity of the street system because Mitigation Measures and Conditions of Approval have been incorporated into the project to maintain the

level of service of the roadways and improve pedestrian safety with the required off-site improvements along Monterey Road and Cosmo Avenue.

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

The proposed use is within the City's Urban Service area where utilities, such as gas, water, sewer, and electricity and public services are provided.

SECTION 4. The use shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit "A".

SECTION 5 The approved project shall be conducted in a manner consistent with the Conditions of Approval attached hereto as Exhibit A.

SECTION 6. Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your use for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected (a) under development agreements, (b) pursuant to agreements with the Morgan Hill Redevelopment Agency or (c) as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun. This right to protest does not apply to voluntary Residential Development Control System fees.

PASSED AND ADOPTED THIS 8th DAY OF OCTOBER 2019, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

Jenna Luna, Deputy City Clerk

APPROVED:

Juan Miguel Munoz-Morris, Chair

Attachment: Planning Commission Resolution [Revision 3] (2485 : Use Permit: Monterey-Voices)

EXHIBIT "A"

STANDARD CONDITIONS

APPLICATION: UP2018-0015 Monterey - Voices

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 Conditional Use Permit approval shall remain in effect for 24 months to October 8, 2021. Failure to exercise the use within this term shall result in termination of approval unless an extension of time is granted prior to the expiration date. **(MHMC 18.104.210)**

II. PROJCT DESCRIPTION

- A. **Phase I:** Phase I shall include development of a 27,825-square foot school building, an uncovered parking lot, an outdoor playground and turf play area, an outdoor lunch shelter, trash enclosure, and associated improvements. The two-story school building will have 18 classrooms, office/administrative space, a teacher's room, cafeteria, and restrooms.
- B. **Phase II:** Phase II would replace the outdoor lunch shelter with a 7,326 square foot multi-purpose building, and include a reading room, special education room, storage space, and bathrooms. Prior to implementation of Phase II, the applicant shall secure an Off-site Parking Agreement and obtain final approval from the Planning Commission allowing off-site parking as an alternative to on-site parking.
- C. **Events:** On-site extracurricular school events and activities shall be prohibited until the Planning Commission determines that adequate parking has been provided for the additional activities.

- D. **Drop-off/pick-up area:** The project shall continue to implement the drop-off/pick-up provisions specified in the Mitigation Monitoring Reporting Program, which include providing school staff or parent volunteers along the drop-off areas to assist students in and out of vehicles and improve drop-off procedure efficiency. Additionally, in order to speed up student pick-up, parents will place a name card on the passenger side visor showing the last name and grade level of the child being picked-up. Staff will radio ahead to ensure the student is ready for pickup when the parent reaches the drop-off area. During drop-off times, school staff will be positioned along the drive aisle to ensure that students do not unload outside of the designated loading zone.

The proposed charter school shall implement 30-minute staggered start times; specifically, a start time of 8:00 AM for upper grade levels (sixth through eighth grades) and 8:30 AM for lower grade levels (kindergarten through fifth grades).

- E. **Student population and Hours:** The school shall have a maximum of 504 students and include approximately 63 employees. Office hours at the school shall be limited to 7:30 AM to 4:30 PM, Monday through Friday, with staff on-site between 7:00 AM to 6:00 PM.

III. 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):
- Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 - 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.
 - 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.
 - Avoid root damage through grading, trenching, compaction, etc. at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1” in diameter should be exposed approximately 12” 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.

- The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
- Any tree subject to Chapter 12.32 Restrictions on Removal of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.

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:

- Detail depicting all concrete curbs as full formed.
- 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.
- Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.
- Trash enclosures shall be constructed of a sturdy, opaque material, minimum 6 feet in height with solid view obstructing gates and shall be designed in harmony with the architecture of the building(s). Sizing and design shall conform to the Morgan Hill Architectural Review Handbook. In residential areas, restaurants or other food service commercial uses, trash enclosure areas shall require an overhead shade structure. Trash enclosures shall be required in all commercial and industrial projects and in residential projects containing four or more dwelling units.
- All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscaping. **(MHARH p.20, 45, 79)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
- 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. 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:

- 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 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 visible emissions evaluator.
- 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.

IV. BUILDING DESIGN

- A. **Roof mounted mechanical equipment:** All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 feet or greater to match the height of any proposed equipment. **(MHARH p.48, 65, 87, 106)**
- B. **Building mounted lighting:** Lighting fixtures shall not project above the fascia or roofline of the building. Any ground mounted lighting projecting onto the building or site will be subject to the review and approval of the Director of Community Development. Adjustment to the lighting intensity may be required after the commencement of the use. **(MHARH p. 67, 109)**

C. **Architectural elements:**

- All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior. **(MHMC 18.74.360)**
- Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building. **(MHMC 18.74.340)**

V. **PARKING & VEHICULAR ACCESS**

- A. **Parking area landscaping:** The interior of any parking area shall be landscaped with planter areas measuring a minimum five feet in width, minimum inside dimension. Additional planters shall be provided at both ends of a row of spaces with the planter area length equal to the adjoining parking spaces. The landscape planter shall contain a 12" strip extension (created as an integral pour) of concrete inside the 6" curb of the planter, to create an 18" concrete strip. **(MHMC 18.64.050)**

VI. **LANDSCAPING**

- A. **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 Community Development Director.
- B. **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 Community Development Director or Design Review Board.
- C. **Water Conservation in Landscaping Ordinance:** The landscape plans shall be in conformance with the City's Water Conservation in Landscaping 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)**

VII. **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 or grading 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)**

VIII. CULTURAL RESOURCES

- A. **Significant historic or archaeological materials:** This project has been determined not to be in a site identified as archaeologically sensitive by the City's adopted archaeological sensitivity map, but nonetheless could adversely impact undocumented human remains or unintentionally discover significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply and should be provided as standard conditions on the building permit, grading permit, or improvement plans. If human remains are discovered, it is probable they are the remains of Native Americans.
- a. If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
 - b. In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.
 - c. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the Contractor Foreman or authorized

representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the Monitoring Archaeologist (typically 25-50ft for single burial or archaeological find).

- d. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
- e. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Community Development Director (408) 779-7247
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
 - The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
- f. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
- g. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- h. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
- i. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Community Development Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.
- j. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If

mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

IX. OTHER CONDITIONS

- A. The Conditional Use Permit is approved solely for the operation of the public charter school (Application UP2018-0015: Monterey-Voices). Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

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

- C. 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.

- D. Submit two (2) signed copies of Resolution No.19-15 to the Planning Division prior to issuance of building permits.

X. PROJECT MITIGATION MEASURES

The applicant shall be subject to compliance with the mitigation measures of the project's adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The following mitigation measures shall be included with all building permit, grading, or improvement plans.

Biological Resources

The project's construction-related activities, including site preparation and grading, could have potentially significant effects on burrowing owls, raptors, and other protected migratory birds. Furthermore, the project includes the removal of one on-site tree that is protected by the City's Municipal Code and would be subject to payment of fees consistent with the Santa Clara Valley Habitat Plan. Implementation of the following measures would reduce such potentially significant effects to less-than-significant levels.

- BIO-1:** A pre-construction survey shall be conducted by a qualified Burrowing Owl biologist no more than 30 days prior to initiation of any ground disturbing (construction) activity to assure take avoidance of burrowing owls. The survey shall consist of a habitat assessment, burrow survey, owl survey, and completion of a written report. The written report shall be submitted to the City of Morgan Hill Development Services Department. If owls are not determined to be present on-site, further mitigation is not required. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31), and Mitigation Measures IV-2 and IV-3 shall be implemented.
- BIO-2:** Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion

area until the young have fledged. Establishment of the exclusion area shall be determined by a qualified biologist to the satisfaction of the City of Morgan Hill Development Services Department.

BIO-3: If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the project proponent shall establish a 250-foot non-disturbance buffer around occupied burrows as determined by a qualified biologist. Construction activities outside of the 250-foot buffer shall be allowed. Construction activities within the non-disturbance buffer shall be allowed if the following criteria are met in order to prevent owls from abandoning important overwintering sites:

- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If any change in owl foraging behavior occurs as a result of construction activities, such activities shall cease within the 250-foot buffer.
- If the owls are gone for at least one week, the project proponent may request approval from the Habitat Agency that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone shall be removed, and construction may continue. Monitoring shall continue as described above for the non-breeding season as long as the burrow remains active.

Passive relocation of owls shall not be permitted unless the positive growth trend described in Section 5.4.6 of the SCVHP is achieved and all passive relocation measures identified in the SCVHP are implemented. The project applicant may choose to obtain an exception that would allow for passive relocation, in which case an application shall be submitted to the Habitat Agency along with a passive relocation plan in accordance with Section 6.6.1, Condition 15, Exceptions to Passive Relocation Prohibition, of the SCVHP. The Habitat Agency shall have the final authority to grant or deny the requested exception.

BIO-4: If construction is proposed during breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist and submitted to the City of Morgan Hill Development Services

Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).

If nesting raptors are detected on or adjacent to the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (250-foot minimum for certain raptors) shall be determined by the qualified biologist at that time and may vary depending on location, topography, type of construction activity, and species. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

BIO-5: The project applicant shall mitigate for the removal of the Ordinance Sized Tree located at the eastern portion of the site along Monterey Road, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a 1:1 ratio with a 15-gallon minimum size tree.

For the Ordinance Sized Trees within the southwestern corner of the site, which are to be preserved as part of the project, the project applicant shall retain a certified arborist to prepare a tree protection plan, subject to review and approval by the Development Services Department. The plan shall demonstrate how any retained trees are to be protected during and after construction. The tree protection plan may include, but not be limited to, the following:

- Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over one inch in diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards 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.

Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.

- A temporary fence shall be constructed as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. 'No parking or storage' signs shall be posted outside/on the fencing. Postings shall not be attached to the main stem of the tree.
- Vehicles, equipment, pedestrian traffic, building materials, debris storage, and/or disposal of toxic or other materials shall not be permitted inside of the fenced off area.
- The project applicant shall avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction.
- Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond.
- The 'rooting' area shall be mulched with an acidic, organic compost or mulch.
- The project applicant shall arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as such conditions occur, or as appropriate.

Subject to the discretion of the Development Services Department, individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within the above general guidelines.

BIO-6: No later than submittal of the first construction or grading permit for the proposed project the owner or designee shall pay the Santa Clara Valley Habitat Plan per-acre fee in effect for the appropriate fee zone of the project site, as determined by the Santa Clara Valley Habitat Agency, in compliance with Section 18.132.050 of the Morgan Hill Municipal Code.

BIO-7: Implement Mitigation Measures IV-1 through IV-5.

Hydrology and Water Quality

Inclusion of project-specific Best Management Practices (BMPs) in the Stormwater Pollution Prevention Plan (SWPPP) prepared for the proposed project would be

necessary to ensure that discharge of pollutants to West Little Llagas Creek does not occur during construction activities. Implementation of the following measure would reduce such potentially significant impacts to a less-than-significant level.

- HYD-1:** Prior to submittal to the RWQCB, the Storm Water Pollution Prevention Plan (SWPPP) prepared for the proposed project shall include, to the satisfaction of the City Engineer, Best Management Practices (BMPs) designed to limit the discharge of sediment or other pollutants to West Little Llagas Creek. Such BMPs shall include, but not necessarily be limited to, the installation of silt fencing at the limit of the proposed grading activities.

Noise

The proposed project would result in a temporary or periodic increase in ambient noise levels in the project vicinity during construction. Implementation of the following measures would reduce such potentially significant impacts to less-than-significant levels.

- NOI-1:** Noise-generating construction activities associated with the proposed project shall not occur within the hours identified in Municipal Code Section 8.28.040(D). The above language shall be included on final project improvement plans prior to approval by the City of Morgan Hill Development Services Department.
- NOI-2:** To the maximum extent practical, the following measures should be implemented during project construction:
- All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition;
 - All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project construction;
 - Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible;
 - Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors;
 - Project area and site access road speed limits shall be established and enforced during the construction period; and
 - Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department.

Transportation

Under both Existing Plus Project and Cumulative Plus Project conditions, the proposed project would conflict with applicable City Level of Service (LOS) standards at the Monterey Road/San Pedro Avenue intersection. The existing signal at the Monterey Road/Cosmo Avenue intersection does not include pedestrian phasing necessary to allow for connectivity between the project site and the surrounding area. Furthermore, the project could result in a potentially significant impact related to substantially increasing hazards due to design features or introduction of incompatible uses. Implementation of the following measures would reduce such potentially significant impacts to less-than-significant levels.

- TRA-1:** Prior to submittal of the improvement plans for the project, the project plans shall show the construction of a raised median along Monterey Road at San Pedro Avenue, restricting left-turns out of San Pedro Avenue to southbound Monterey Road. With the left-turn restriction, only right-turns in and out at both San Pedro Avenue (east leg of the intersection) and the existing driveway (west leg of the intersection), as well as southbound left-turns, shall be allowed. The design of the median shall be to the satisfaction of the Engineering and Utilities Division.
- TRA-2:** Final project improvement plans prepared for the proposed project shall include, to the satisfaction of the City Engineer, installation of a crosswalk at the northern leg of the Monterey Road/Cosmo Avenue intersection and protected phasing on all approaches of the intersection, including modifying the traffic signal to include protected left-turn phasing on the northbound and southbound approaches and split phasing on the eastbound and westbound approaches.
- TRA-3:** Final project improvement plans prepared for the proposed project shall include, to the satisfaction of the City Engineer, installation of post-mounted rectangular rapid flashing LED beacons on the bike/pedestrian crossing warning signs at the Little Llagas Creek Trail access on Cosmo Avenue.
- TRA-4:** The following conditions shall be noted on project construction drawings, to the satisfaction of the City Engineer, prior to issuance of a building permit or approval of improvement plan:

- During morning drop-off times at the proposed project, school staff or parent volunteers shall be stationed along the drop-off area to assist students in and out of vehicles and improve drop-off procedures efficiency. Additionally, in order to speed up student pick-up, parents picking up students shall place a name card on the passenger side visor showing the last name and grade level of the child being picked-up so that school staff, positioned at the project driveway, can radio ahead to staff at the drop-off area the name of the student being picked up to ensure the student is ready for pick-up by the time the parent reaches the drop-off area.
- Measures shall be taken to ensure efficient utilization of the available queue storage space within the project site and the efficient and safe loading/unloading of the students. The drop-off/pick-up area shall be well-defined with implementation of appropriate signage and pavement markings clearly showing the student loading zone and each vehicle position. The loading lane shall be designed to provide the maximum loading area possible. During drop-off times, school staff shall be positioned along the drive aisle to ensure that students do not unload outside of the designated loading zone.
- On-street parking along the southern project site frontage on Cosmo Avenue shall be prohibited. The on-street parking restriction may be permanent (red curb) or time-restricted to the school peak hours only.
- The proposed charter school shall implement 30-minute staggered start times; specifically, a start time of 8:00 AM for upper grade levels (sixth through eighth grades) and 8:30 AM for lower grade levels (kindergarten through fifth grades).

TRA-5: Final project improvement plans prepared for the proposed project shall demonstrate that double solid striping shall be installed on Cosmo Avenue, along the project frontage to the intersection of Monterey Road/Cosmo Avenue, to prohibit left-turn movements from eastbound and westbound Cosmo Avenue into and out of the project site driveway. The plans shall be reviewed and approved by the City Engineer.

ENGINEERING COMMENTS

A. FEMA FLOOD REQUIREMENTS:

1. Project is located in a FEMA Special Flood Hazard Area (SFHA) floodplain zone AE, which will require a flood study. The flood study shall use the FEMA Flood Insurance Study (FIS) effective model of West Little Llagas Creek to demonstrate that the proposed placement of fill does not significantly increase the flood risk in the area during a 100-year flood event.

2. **The flood study has been prepared and shall be submitted directly to Santa Clara Valley Water District (SCVWD) for review and approval;** fees to SCVWD for the review of the flood study shall be paid in full prior to City acceptance of the flood study and Planning approvals. Project shall file the appropriate conditional/final FEMA Letter of Map Revision (CLOMR/LOMR or CLOMR-F/LOMR-F) as required by the results of the flood study. **(CMH Design Standards and Standard Details for Construction)**
 3. Finished floors shall be elevated 1 foot above the FEMA base flood elevation (BFE). If the BFE shall be republished to due to cumulative increase of the BFE by greater than 0.10 feet, the lowest finished floor shall be elevated 1 foot plus the cumulative increase in BFE.
 4. Project may be required to be designed to have a zero net fill so that the current FEMA BFE shall not increase the cumulative 1 feet increase; supporting calculation and flood study shall be review and approved by SCVWD.
- B. GRADING: The top of bank of the creek shall be determined by a biologist. The allowed set back shall be 35 feet from the top bank as determined by a biologist including if any riparian areas. NOTE: there can be no construction activity within the 35 feet set back. Plans shall be updated to show top of bank and setback area.
- C. TRAFFIC:
1. The Fire Lane exit on Monterey shall not have a standard drive approach but will be standard curb and gutter with emergency bollards across the driveway throat.
 2. Per the circulation plan, there shall be only right turn in and right turn out only.
 3. To prevent left turn in on Cosmo, double solid striping shall be delaminated to indicate no left turn in.

At Monterey and San Pedro the LOS is will be reduce to F as a result of the project; to mitigate this reduction, the median shall be reconfigured to not allow left turns from San Pedro on to Monterey (southbound) and provide a left turn pocket for APN 767-17-051 for Monterey (northbound).

RESOLUTION NO. 19-16**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL ADOPTING THE MITIGATED NEGATIVE DECLARATION THAT WAS PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MONTEREY-VOICES PROJECT (APN 767-17-047)**

WHEREAS, prior to the adoption of this Resolution, the Planning Division of the City of Morgan Hill prepared an Initial Study and a Mitigated Negative Declaration for the Monterey-Voices Project (Planning File No's. UP2018-0015, EA2018-0024) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended ("CEQA"), and state and local guidelines implementing CEQA; and

WHEREAS, the Monterey-Voices ("Project") analyzed within the Initial Study/Mitigated Negative Declaration consisted of the request to approve a Conditional Use Permit for a public charter school project on the site located at the northwest corner of the intersection of Monterey Road and Cosmo Avenue (APN:767-17-047); and

WHEREAS, in connection with the approval of a project involving the preparation of an Initial Study/Mitigated Negative Declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and

WHEREAS, the City of Morgan Hill is the lead agency on the Project, and the Planning Commission is the decision-making body for the proposed Project; and

WHEREAS, the Planning Commission has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 89.5 of the California Department of Fish and Game Code.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL AS FOLLOWS:

SECTION 1. THAT THE PLANNING COMMISSION does hereby make the following findings:

- (1) It has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon the Project;
- (2) The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA; and
- (3) The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project. The Community Development Director of the Community Development Department at 17575 Peak Avenue, Morgan Hill, California 95037, is the custodian of documents and records of proceedings on which this decision is based.

SECTION 2. THAT THE PLANNING COMMISSION does hereby adopt the Mitigation Monitoring and Reporting Program prepared for the Project. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Community Development Department, Planning Division, located at 17575 Peak Avenue, Morgan Hill CA 95037 and (2) available for inspection by any interested person.

PASSED AND ADOPTED THIS 8th DAY OF OCTOBER 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

Juan Miguel Munoz-Morris, 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: _____



10/4/19

City of Morgan Hill
17575 Peak Ave.
Morgan Hill, CA 95037

To whom it may concern:

For the Voices College Bound Language Academy at Morgan Hill project, our total enrollment for the site will be 504.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marie Moore".

Marie Moore
Chief Growth and Community Engagement Officer

Voices College-Bound Language Academies
14271 Story Rd
San Jose, CA 95127

www.voicesacademies.org

Attachment: Enrollment and Statement of Operations (2485 : Use Permit: Monterey-Voices)



Monday, July 15, 2019

Joey Dinh
17575 Peak Ave.
Morgan Hill, CA 95037

Dear Joey

Voices College Bound Language Academies would like to request that the city of Morgan Hill provide a conditional approval of the Voices Charter School on Cosmo and Monterey project.

We request that the city of Morgan Hill approve phase 1 of our project, with a conditional approval of phase 2 (the Multipurpose Room). Prior to commencing construction of the MU, Voices must obtain a city approved parking plan for the MU that addresses the parking requirements for this additional structure once built.

Sincerely,

A handwritten signature in black ink that reads "Frances Teso".

Frances Teso
Voices Founder and CEO

Voices College-Bound Language Academies
14271 Story Rd
San Jose, CA 95127

www.voicesacademies.org

Attachment: Enrollment and Statement of Operations (2485 : Use Permit: Monterey-Voices)

Statement of Operations

Voices proposes to use of a facility at the corner of Cosmo Ave. and Monterey Rd for use as a public charter elementary school and related administrative uses. The school will serve approximately 594 students in transitional kindergarten through eighth grade. There will be 51 staff members, 35 full time and 16 part-time.

Community Served: These TK (transitional kindergarten)- grade 8 public schools in Santa Clara county and surrounding communities offer students world-class academic preparation that honors their cultural heritage through its dual immersion language program. Voices College-Bound Language Academies provide a rigorous college-prep K-8 program that teaches students English and Spanish, and builds on core elements of their identity.

Voices was founded by a determined Latina, Frances Teso, whose experiences growing up and later teaching in underserved communities in San Jose catalyzed the Voices model. Today, Frances serves as the CEO of a four-school network (Voices Mount Pleasant, Voices Morgan Hill, Voices West Contra Costa and Voices Franklin McKinley). Communities and families are asking us to build additional Voices schools in their neighborhood, and we are resolved to meet their need.

Vision: All students graduating from Voices College-Bound Language Academies will possess the knowledge, skills and confidence to succeed in any career path they choose to pursue in life by mastering academic standards and subject matter. Students will be aware of the many positive possibilities for their future, and enjoy learning throughout their lives. They will be able to think critically by asking questions, especially when confronted with the status quo. Our students will have a sense of social responsibility to make their communities better.

Mission statement: Voices College-Bound Language Academies will prepare all students for the challenges of higher education through the context of an academically rigorous dual-language program. In addition, we will ensure students demonstrate high academic achievement and apply critical thinking skills while making sense of their role within their own culture and the greater society

Values: Include students in the forefront and shared leadership. Values are our students motivate, inspire and guide us. Every decision is made with their well-being and achievement in mind. Everyone has something valuable to contribute to the Voices school community.

The type of equipment used:

The school uses standard educational equipment such as printers, computers, xerox, laminators, projectors.

Use of hazardous materials:

There will be no hazardous materials used or stored in the school facility except maintenance cleaning.

Other information which effectively describes the proposed use:

Please refer to Exhibit H: Traffic Study.

Letter of Justification

Provide written justification outlining the request for a Conditional Use Permit. The letter must answer the following questions, and provide an explanation of the responses.

- ***Is the site suitable and adequate for the proposed use?***
Yes. Voices will be constructing a school facility located on the corner of Cosmo Ave. and Monterey Road in Morgan Hill, CA, which will include classrooms, administrative space and a gym and multi-purpose room.
- ***Would the proposed use and design have a substantial adverse effect on traffic circulation and on the planned capacity of the street system?***
No. The facility design will allow for traffic to flow through the parking lot. In addition, all Voices schools implement a thorough traffic management and supervision plan that enables efficient traffic flow. Please refer to Exhibit H: Traffic Study.
- ***Would the proposed use at the location requested:***
 - *Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area;*
No. This use provides no safety risk.
 - *Impair the utility or value of property of other persons located in the vicinity of the site;*
No. The presence of a high quality public dual immersion school will enhance the community.
 - *Be detrimental to public health, safety or general welfare?*
No.
 - *Is the design of the project compatible with the existing and proposed development within the district and its surroundings?*
Yes.
 - *Will the proposed use allow retail sales of groceries, food, or beverage items upon automobile service station premises?*
No.

Voices College-Bound Language Academy Bell Schedule Sample

Regular Day Schedule	Minimum Day Schedule
TK/Kinder Regular Day 8:00-10:00 (120) 10:00-10:15 Recess (15) 10:15-11:00 (45) 11:00-11:30 Lunch <30> 11:30-12:30 Enrichment <60> 12:30-2:15 (105) 2:15-2:30 Snack Recess (15) 2:30-4:00 Dismissed (90)	TK/Kinder Minimum Day 8:00-10:00 (120) 10:00-10:15 Recess (15) 10:15-11:00 (45) 11:00-11:30 Lunch <30> 11:30-12:30 (60)
First Grade Regular Day 8:00-9:45 (105) 9:45-10:00 Recess <15> 10:00-11:00 (60) 11:00-11:30 Lunch <30> 11:30-12:30 Enrichment <60> 12:30-1:45 (75) 1:45-2:00 Snack Recess <15> 2:00-4:00 Dismissed (120)	First Grade Minimum Day 8:00-9:45 (105) 9:45-10:00 Recess <15> 10:00-11:00 (60) 11:00-11:30 Lunch <30> 11:30-12:30 (60)
Second Grade Regular Day 8:00-10:00 (120) 10:00-10:15 Recess <15> 10:15-11:00 (45) 11:00-11:30 Lunch <30> 11:30-12:30 Enrichment <60> 12:30-2:00 (90) 2:00-2:15 Snack Recess <15> 2:15 -4:00 Dismissed (105)	Second Grade Minimum Day 8:00-10:00 (120) 10:00-10:15 Recess <15> 10:15-11:00 (45) 11:00-11:30 Lunch <30> 11:30-12:30 (60)
Third Grade Regular Day 8:00-9:25 (85) 9:25-9:40 Recess <15> 9:40-11:00 (80) 11:00-11:30 Enrichment <30> 11:30-12:00 Lunch <30> 12:00-12:30 Enrichment <30> 12:30-1:45 (75) 1:45-2:00 Snack Recess <15>	Third Grade Minimum Day 8:00-9:45 (105) 9:45-10:00 Recess <15> 10:00-11:00 (60) 11:00-11:30 Lunch <30> 11:30-12:30 (60)

2:00-4:00 Dismissed (120)	
Fourth Grade Regular Day 8:00-9:45 (105) 9:45-10:00 Recess <15> 10:00-11:00 (60) 11:00-11:30 Enrichment <30> 11:30-12:00 Lunch <30> 12:00-12:30 Enrichment <30> 12:30-2:15 (105) 2:15 – 2:30 Snack Recess <15> 2:30-4:00 Dismissed (90)	Fourth Grade Minimum Day 8:00-9:45 (105) 9:45-10:00 Recess <15> 10:00-11:00 (60) 11:00-11:30 Lunch <30> 11:30-12:30 (60)
Fifth Grade Regular Day 8:00-9:45 (105) 9:45-10:00 Recess <15> 10:00-11:00 (60) 11:00-11:30 Enrichment <30> 11:30-12:00 Lunch <30> 12:00-12:30 Enrichment <30> 12:30-2:00 (90) 2:00 – 2:15 Snack Recess <15> 2:15 – 4:00 Dismissed (105)	Fifth Grade Minimum Day 8:00-10:00 (120) 10:00-10:15 Recess <15> 10:15-11:30 (75) 11:30-12:00 Lunch <30> 12:00-12:30 (30)

Sixth-Eighth Grade Regular Day

	Start	End	Minutes
Block 1	8:00	10:00	(120)
Break	10:00	10:10	<10>
Block 2	10:10	11:00	(50)
Enrichment	11:00	11:55	<55>
Lunch	11:55	12:30	<35>
Block 2	12:30	1:45	(75)
Snack	1:45	2:00	<15>
Block 3	2:00	4:00	(120)

Sixth-Eighth Grade Minimum Day

	Start	End	Minutes
Block 1	8:00	9:00	(60)
Block 2	9:00	10:00	(65)
Break	10:00	10:15	<10>
Block 3	10:15	11:30	(75)
Lunch	11:30	12:00	<30>
Block 3	12:00	12:30	(40)

Traffic Study

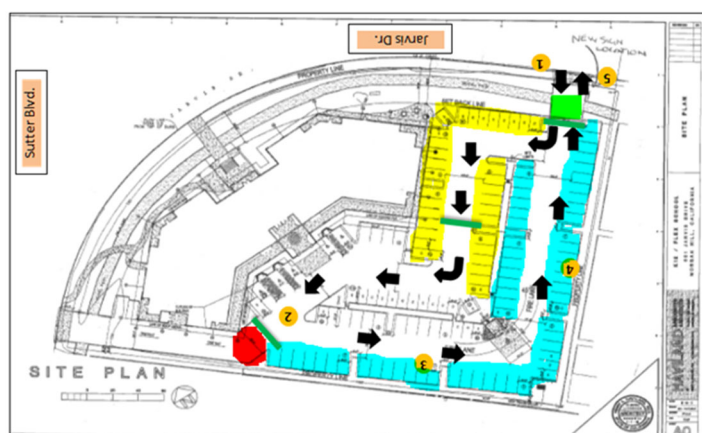
Current Traffic Management System

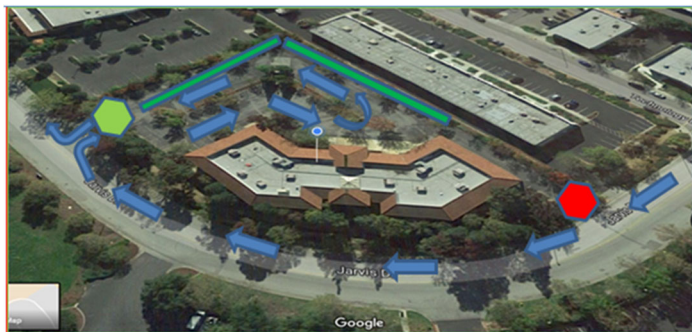
All Voices schools develop a thorough plan for traffic management on an annual basis. The plan takes into consideration the number of students, start and end times, and other factors such as surrounding communities and schools.

Students participating in the school breakfast program arrive before 7:45 am while the remainder of the student population arrives before 8:00am, when the school day commences. During minimum days, students are dismissed at 12:30 pm, and during regular school days students are dismissed at 4:00pm. The school also ensures it learns whether students are picked up by car or in person, and whether they participate in the after school program.

The school deploys 9-11 traffic monitors consisting of School leaders, Teachers, Associate Teachers, and volunteers assigned to different roles from parking lot oversight, traffic flow coordinator, to front door supervisor. While waiting for pick up, students wait in an orderly fashion with their teachers. Cones are placed along the traffic route to direct traffic flow and ensure it's moving swiftly and safely through the school and away from main roadways. Traffic monitors are equipped with 2-way radios to organize students and maintain safety. In addition, Entrance Only, Exit Only, and No Parking signs are placed in appropriate areas.

Voices has maintained seamless traffic flow at its current school site by implementing a traffic management plan that follows all of the factors mentioned above. Below is a map of the drop off/pick up map at Voices Morgan Hill's current location showing locations of signage and traffic flow monitors.





Proposed Plan for Cosmo site

Voices will implement the same principles at the new proposed facility at the corner of Cosmo Ave. and Monterey Road. Namely, the school will ensure the following best practices are replicated:

- Deploy traffic monitors with clear roles and responsibilities to maintain safety and maximize traffic flow
- Maximizing use of school parking space and placement of cones throughout the traffic route to prevent traffic congestion on Monterey Road
- Placement of signs
- Use of 2-way radios for communication

If the traffic engineer suggests the need for improvements to our plan, we will be open to discussing potential solutions to accommodate any concerns.

VOICES CHARTER SCHOOL PROJECT

RESPONSES TO PUBLIC COMMENTS ON THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

This Response to Comments document contains comments received during the public review period of the Voices Charter School Project (proposed project) Initial Study/Mitigated Negative Declaration (IS/MND). The City of Morgan Hill, as lead agency, released the IS/MND for public review beginning on August 30, 2019 and ending on September 30, 2019 pursuant to CEQA Guidelines Section 15105.

According to CEQA Guidelines Sections 15073 and 15074, the lead agency must consider the comments received during consultation and review periods together with the IS/MND. However, unlike with an Environmental Impact Report, comments received on an IS/MND are not required to be attached to the negative declaration, nor must the lead agency make specific written responses to public agencies. Nonetheless, the lead agency has chosen to provide responses to those specific public comments that are related to the environmental analysis contained in the IS/MND. Non-environmental comments have been considered by the City as part of staff's report to the Planning Commission.

COMMENTS AND RESPONSES

The City of Morgan Hill received multiple comment letters from members of the public during the open comment period on the IS/MND for the proposed project. The following section includes responses to each of the comment letters, insofar as the comments address environmental topics. The letters are numbered and environmental-related comments are bracketed with assigned comment numbers. The bracketed comment letters are followed by numbered responses corresponding to each bracketed comment.

Letter 1

-----Original Message-----

From: Marianne Guntow <mguntow@yahoo.com>
 Sent: Thursday, 12 September, 2019 10:36 PM
 To: Joey Dinh <Joey.Dinh@morganhill.ca.gov>
 Subject: Questions about Voices Charter School Project

Hello,

I appreciate the wide community notification about the Voices Charter School Project.

1-1

I am concerned about the daily traffic impact. Has a review been done yet that includes traffic? Drop off and pickup of some portion of more than 500 students and the coming and going of more than 60 employees will be a lot of vehicles in a narrow window when the streets are already busy.

Will the school have onsite parking for all employees plus visitors?

Is this a completely new school or are they currently located elsewhere and are moving here? Where are the students going now?

Would these be more than 60 completely new jobs to Morgan Hill? Are they full time, part time, intern, volunteer?

Thanks!
 Marianne

LETTER 1: MARIANNE GUNTOW, SEPTEMBER 12, 2019

Response to Comment 1-1

A Traffic Impact Analysis (TIA) has been prepared for the proposed project by Hexagon Transportation Consultants, Inc., and is included as Appendix F to the IS/MND. The TIA was also posted on the City's website prior to start of the IS/MND public review period, at <https://www.morgan-hill.ca.gov/1916/Voices-Charter-School>. The findings of the TIA are presented in Section XVII, Transportation, of the IS/MND.

The TIA evaluated potential traffic impacts at study intersections within the project vicinity for Existing, Existing plus Project, Year 2025 Cumulative, and Year 2025 Cumulative plus Project conditions. Hexagon Transportation Consultants, Inc. concluded that with implementation of specific recommendations, all potential traffic impacts could be reduced to less-than-significant levels. Such recommendations have been incorporated into Mitigation Measures XVII-1 through XVII-5 in the IS/MND.

Letter 2

From: donna ruebusch <donna.ruebusch@gmail.com>
Sent: Monday, 23 September, 2019 11:08 AM
To: Joey Dinh <Joey.Dinh@morganhill.ca.gov>
Subject: VOICES Charter Project # UP2018-0015

I encourage the City Counsel members to reject this proposed site for VOICES Charter

Respectfully Submitted for Counsel consideration Donna Ruebusch

From: Donna Ruebusch (retired MHUSD teacher, Committee member on the City/School liaison Committee (2014-18) former MHUSD Board member and past board president.

Municipal Code 18.108.30 states:

A conditional use permit is a **discretionary action** that enables the planning commission ***to ensure*** the proposed use is

2-1

1. Consistent with the general plan and
2. Will not create negative impacts to adjacent properties or the general public
3. Permit for use of this property is premature because
 - a. Monterey Road Corridor Study has not been completed
 - b. The parcel under consideration is contiguous to larger vacant parcels which might limit future development of the adjacent property
 - c. The current parcel could be developed for housing to help create affordable housing for public workers i.e. teachers, firefighters, police.
1. This project does not conform to the goals of Morgan Hill's General Plan 2035
2. This particular parcel has been previously rejected during the Rocketship charter applications – approximately 2104
3. MHUSD has K-8 schools available to all students
 - a. San Martin Gwinn Dual Language Immersion program
 - b. Jackson Academy of Math and Music is K-8

Middle Schools serve grades 6-8 and provide language and music programs

Goal: Policy HC-1.1: Neighborhood Schools:

Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a community resource facility.

1. VOICES does not operate schools with traditional school boundaries therefore does not promote neighborhood schools
2. Reduces opportunities for students to walk to school, sense of community and ready mix of friends who live nearby
3. VOICES provides admission preference in their lottery for students residing in the district. The petition should be amended to admission preference for students in the PA WALSH school attendance boundary in order to support creating neighborhood schools
4. I was visiting family in San Jose (near Willow Glen) I was very surprised to see the entire neighborhood was leafleted with papers encouraging attendance at public meetings for VOICES renewal and expansion. This is counter to their stated purpose and charter which to serve underprivileged children and this neighborhood well out of proposed

Letter 2 cont'd

attendance boundaries. This recruitment technique shifts MHUSD dollars away from the district and many student needs to the few (and quite possibly students from outside our school district).

Goal: Policy HC-1.2: Coordinate School Development.

Work with MHUSD to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.

1. The City and MHUSD have worked together to identify school sites (maps are available)
2. The proposed site is not in an area designation by the District and City as an appropriate location for future facility. This location is currently zoned as mixed use-flex (MU-F)
3. **Goal: Policy HC-1.3: Quality Educations. Cooperate with the City of San Jose, Santa Clara County, and the MHUSD to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the population served.**
1. The City and MHUSD have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public
2.
 - a. The proposed site would place a large number of students on an **overcrowded** school site
 - b. The site is a fraction of the size of school recommended by the CDE
 - c. CDE recommends specific grade levels using the rule-of-thumb-approach i.e. **Elementary schools are minimally five (5) acres plus an additional acre for every 100 students of the predicted ultimate enrollment.**
 - d. **VOICES is proposing a 600 student, 2 acres. Campus. CDE standards requires a minimum of 11 acres**
 - e. Two (2) acres as a proposed site is 20% of the size campus recommended by the CDE
 - f. The City and MHUSD would need a joint use agreement to guarantee use of the Morgan Hill community Park to ensure students have access to adequate play fields for PE and recess.
 - g. CDE approval is not provided with the Conditional Use Applications. Upon investigation MHUSD contacted the CDE'S School Facilities Planning Division: It was **reported to MHUSD that "NO FIELD REPRESENTATIVE HAS VIEWED THE SITE OR PROVIDED A WRITTEN EVALUATION ON ITS SUITABILITY AS A SCHOOL SITE."** It is highly suggested this approval be obtained prior to city approval of this project.

Goal: Policy HC – 1.4: Strategic Plan. Encourage the MHUSD, Gavilan College and private schools to develop a strategic plan for and construct schools to coincide with the planned future growth of the City.

1. The proposed school VOICES project is not in an area designated by the District and City as an appropriate location for future facilities. This location is currently zoned as mixed use-flex (MU-F)
- 2-3 2. Permit for use of this property is premature because: Monterey Road Corridor Study has not been completed

Letter 2 cont'd

Goal: Policy HC – 1.5: Site Selection. Work with the MHUSD in selecting sites for new schools to optimize educational and community development goals (South County Joint Area Plan 4.08)

The City and MHUSD have worked together to identify appropriate locations for schools.

1. The project is not in area designated by the City or MHUSD for a school
 2. The size of the property:
 - a. 9 acres too small by CDE standards (to which all public schools are held)
 - b. Size is eroded by required creek setbacks
 - 2-4 c. Lack of connection to community facilities
 - d. Proximity to existing businesses which sell alcohol
- VOICES has not lived up to all previous agreements i.e. expenditure of the \$125,000 for classrooms that was approved during my tenure on the Board. And rejected other more suitable sites proposed by the District staff.

Goal: Policy HC-1.6: Efficient Siting. Site new residential development in areas served by existing schools to allow school facilities to be used most efficiently and to minimize busing needs (South County Joint Area Plan 4.05)

- 2-5 1. VOICES has **not completed a traffic impact analysis.**
- 2-6 2. A traffic management plan has been submitted but not enough detail is provided for the following issues:
 - a. Does not demonstrate onsite **parking** sufficient.
 1. There are 33 parking stalls listed but this is not sufficient for 50 staff members
 - b. Insufficient **queuing space** to handle peak school traffic:
 - 2-7 1. Applicant states that “maintained seamless traffic flow at its current school site is implementing a “traffic management plan”. **It can’t be assumed the traffic patterns at the new site, on Monterey Rd, with double the current population would be similar to Murphy Avenue.**
 2. There is no demonstration by a traffic engineer that onsite queuing is sufficient to prevent traffic from backing up onto surface streets.
 3. Insufficient space for drop-off and pick-up space
 4. Above queuing could impact MHUSD on Monterey Rd as the District’s transportation relies heavily on Monterey Rd.

Goal: Policy HC-1.7: Neighborhood Activities: Encourage the MHUSD to design, site and upgrade elementary schools with flexible facilities that are accessible after school hours for community use to serve as the focal point of each neighborhood’s diverse and changing social, cultural, vocational, recreational and educational activities.

1. The City and MHUSD have worked together to establish joint-use facilities. The City and District are jointly developing Borello School to incorporate fields for community use during non-school hours.
2. VOICES makes no mention of availability of the facility for community use. It is recommended VOICES provide public access to the facilities during non-school hours on a fee or no-fee basis.

Letter 2 cont'd

Goal: Policy HC – 1.8: Park Coordination: Work with MHUSD to locate parks and schools together to optimize their use as a community facility (South county Joint Area Plan 4.10)

1. This plan is not located near a City Park or other community facilities.

LETTER 2: DONNA RUEBUSCH, SEPTEMBER 23, 2019

Response to Comment 2-1

As noted on page 17 of the IS/MND, the City of Morgan Hill 2035 General Plan designates the project site as Mixed Use Flex (MU-F) (7 to 24 du/ac). The site is zoned MU-F. The site's current MU-F zoning allows for development of private school uses with approval of a Conditional Use Permit (CUP). Analysis of General Plan consistency is only required to be considered in a CEQA document insofar as Appendix G of the CEQA Guidelines includes a question related to the project's consistency with adopted plans and policies adopted for the purpose of avoiding significant environmental effects. The IS/MND demonstrates that with implementation of mitigation, the project would not have any significant environmental effects, including effects related to land use compatibility issues such as excess lighting, dust, noise, etc.

For example, as noted on pages 21 and 22 of the IS/MND, new sources of lighting would be required to comply with the standards set forth in Section G of the City's Architectural Review Handbook, Section 18.76.060 (Glare), and Section 15.40.310 (Open parking lots) of the Morgan Hill Municipal Code, which includes such requirements as cut-off lenses to direct light downward and minimum maintained lighting on parking surfaces. Compliance with such would help to ensure that the light and glare created by the proposed project would be consistent with the levels of light and glare currently emitted in the surrounding developed environment. In addition, the IS/MND includes Mitigation Measures XIII-1 through XIII-2 to ensure that all noise level increases associated with construction of the proposed project would be less than significant. Based on the results of the Environmental Noise & Vibration Analysis prepared for the proposed project by Bollard Acoustical Consultants, Inc., the proposed project would not result in any significant operational noise impacts. Thus, the project would not be inconsistent with the City's General Plan policies related to the environment. The non-environmental related General Plan policies identified by the commenter are outside the scope of CEQA but will be considered by the City as part of planning review.

Response to Comment 2-2

As discussed on page 93 of the IS/MND, the proposed project would include an on-site playground area for future students of the proposed school, and the project is not anticipated to increase demand on existing parks and recreation facilities within the City of Morgan Hill. Impacts related to recreation were determined to be less than significant. The comment related to the joint-use agreement has been forwarded to the project applicant.

Response to Comment 2-3

While the City's General Plan identifies the Monterey Corridor as an Area of Special Consideration, there is no specific requirement for preparation of a "Corridor Study" for Monterey Road prior to approval of new development along the roadway.

Response to Comment 2-4

The IS/MND includes Mitigation Measures XVII-2 and XVII-3 for the purpose of enhancing pedestrian connectivity to the project vicinity. Thus, the project would provide for increased pedestrian connectivity between the project site and the surrounding areas, including residential development to the west of the site and various commercial uses to the east of the site.

Response to Comment 2-5

A TIA has been prepared for the proposed project by Hexagon Transportation Consultants, Inc., and is included as Appendix F to the IS/MND. The TIA was also posted on the City's website prior to start of the IS/MND public review period, at <https://www.morgan-hill.ca.gov/1916/Voices-Charter-School>. The findings of the TIA are presented in Section XVII, Transportation, of the IS/MND.

Response to Comment 2-6

The proposed parking lot would include a total of 33 parking spaces, including two Americans with Disabilities Act (ADA)-compliant spaces, oriented around a circular drive aisle. Based the City's parking requirements, the proposed school is required to provide a total of 30 parking spaces. The proposed number of parking spaces, therefore, meets the City of Morgan Hill parking requirements. A discussion of the City's parking requirements and proposed parking is provided on page 50 of the Traffic Impact Analysis prepared for the proposed project (see Appendix F to the IS/MND).

Response to Comment 2-7

Issues related to queuing capacity are evaluated on pages 113 through 117 of the IS/MND and pages 51 through 55 of the TIA. As noted therein, with implementation of Mitigation Measures XVII-4 and XVII-5, the potential impact related to vehicle queuing would be reduced to a less-than-significant level. Mitigation Measure XVII-4 includes requirements to improve efficiency of student pick-up and drop-off, as well as staggered start times to spread out student arrivals more evenly during peak hours. Because the inbound traffic would be restricted to making right-turns into the site only, minimal conflict with existing traffic would occur at the project driveway. The estimated queue length of inbound traffic would mostly be able to store within the project site, with a maximum of two vehicles potentially spilling onto Cosmo Avenue during the school's peak 15-minute period (not accounting for 30-minute staggered start times required as mitigation). The two-vehicle queue along westbound Cosmo Avenue could potentially block access to westbound through traffic on Cosmo Avenue. However, the existing 44 westbound AM peak-hour vehicles on Cosmo Avenue represent less than one vehicle per minute. Therefore, because of the low traffic volumes on Cosmo Avenue, the westbound queue length at the project driveway would not be anticipated to extend to or affect the operations at the intersection of Monterey Road and Cosmo Avenue. Further, implementation of staggered start times, as required by Mitigation Measure XVII-4 (using revised numbering from the Erratum to the IS/MND), would ensure that the inbound queue does not spill back onto Cosmo Avenue. The findings presented in the IS/MND are consistent with the TIA prepared for the proposed project by Hexagon Transportation Consultants, Inc.

Letter 3



MORGAN HILL UNIFIED SCHOOL DISTRICT

15600 CONCORD CIRCLE • MORGAN HILL, CA 95037 • (408) 201-6023

September 30, 2019

City of Morgan Hill
 Community Development Department
 Joey Dinh, Associate Planner
 17575 Peak Avenue
 Morgan Hill, CA 95037

Delivery: USPS
 Email: joey.dinh@morganhill.ca.gov

**Re: Conditional Use Permit UP2018-0015 Voices Charter School
 Initial Study/Mitigated Negative Declaration EA2018-0024 Monterey - Voices**

Mr. Dinh,

The Morgan Hill Unified School District ("District") is in receipt of the City of Morgan Hill's ("City") June 27, 2019 correspondence requesting comments on the application for a Conditional Use Permit by Darren Berberian/Pacific West Communities, Inc. ("Applicant") on behalf of Voices College-Bound Language Academy Morgan Hill ("Voices"). The District previously submitted comments to City staff regarding the Conditional Use Permit and met with Voices staff to review these comments and concerns. The District is also in receipt of the City's Notice of Intent to Adopt Initial Study/Mitigated Negative Declaration dated August 23, 2019 for the Voices Charter School Project. The project proposal would include the construction of a K-8 public charter school serving approximately 504 students and 63 employees on two acres located at the corner of Cosmo Avenue and Monterey Road in Morgan Hill ("Project").

This letter includes the District's response to both the Conditional Use Permit and Initial Study/Mitigated Negative Declaration as it our understanding that the Planning Commission will be taking action on both of these items at its October 8, 2019 meeting.

Pursuant to Section 18.22.020 of the Morgan Hill Municipal Code, the Project would require an approved Conditional Use Permit. In accordance with Municipal Code 18.108.030, "A conditional use permit is a *discretionary action* that enables the planning commission to ensure that a proposed use is consistent with the General Plan and will not create negative impacts to adjacent properties or the general public." (*emphasis added*) The District has significant concerns that the proposed use of the property is not consistent with the General Plan.

This parcel is currently designated as mixed use-flex (MU-F) and is part of the City's Monterey Road Corridor Study. Since this parcel is contiguous to a larger vacant parcel granting use of a portion of the parcel might limit the future development of the adjacent parcel. Furthermore, using property that could be developed into housing may inadvertently reduce the availability of a more diverse residential

1

Attachment: Response to Comments- Initial Study/MND [Revision 1] (2485 : Use Permit: Monterey-Voices)

Letter 3 cont'd

product mix and affordable workforce housing in Morgan Hill which may affect the ability of the District to attract and retain employees.

Land Use and Planning

The Mitigated Negative Declaration is lacking its analysis of Land Use and Planning (Initial Study, pg. 71) as the District has identified that the Project does not conform to the goals of the General Plan as specified further below.

Policy HC-1.1: Neighborhood Schools. Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a community resource facility.

3-1

The Applicant does not operate schools with traditional school boundaries, therefore, the proposed Project does not promote neighborhood schools. While we acknowledge that public charter schools operate without traditional neighborhood boundaries, we also recognize the benefits of neighborhood schools such as students walking to school (especially important since Voices does not provide bussing), a sense of community, and a ready mix of friends who live nearby.

Currently, Voices provides an admission preference in their lottery for students residing within the District. The District encourages Voices to consider amending their Petition to provide an admission preference to students living within the P.A. Walsh Elementary School attendance boundary in order to support creating a neighborhood school.

Policy HC-1.2: Coordinate School Development. Work with the Morgan Hill Unified School District to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F).

3-2

Policy HC-1.3: Quality Education. Cooperate with the City of San Jose, Santa Clara County, and the Morgan Hill Unified School District to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding, and providing school locations convenient to the population served.

The City and District have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public in accordance with Policy HC-1.3. The proposed Project site would place a large number of students on an overcrowded school site that is only a fraction of the size suggested for elementary school students by the California Department of Education ("CDE"). Additionally, this location would not provide adequate facilities for parking, physical education, and recess activities.

Letter 3 cont'd

3-2
cont'd

The City's municipal code does not set forth any standards for determining the suitability and adequacy of the proposed school use. Presumably, this is because all previous public schools in the City of Morgan Hill were built by the District in accordance with standards established by the CDE pursuant to Education Code section 17251 and the California Code of Regulations, Title 5, sections 14001 through 14012. Education Code section 47610 generally exempts charter schools from laws governing school districts, including those pertaining to school facilities. Notwithstanding, charter schools are required to comply with the California Building Standards Code as adopted and enforced by the local agency with jurisdiction. (Ed. Code, § 47610(d).) However, building code standards do not provide guidance as to whether the proposed site is suitable and adequate for use as an elementary/middle school.

The question logically arises as to what standards the Planning Commission should apply to the Project. Proposition 39 amended Education Code section 47614 to require school districts to make available for charter schools district facilities and equipment reasonably equivalent to those in which the students would be accommodated if they were attending other district public schools. Accordingly, as a matter of public policy, the City should find that the proper standard for suitability and adequacy of a charter school location is a site that is reasonably equivalent to the standards for school district sites as established by the CDE.

Public school facilities are required to be located on sites with the net usable acreage consistent with the number of acres and enrollment established in the 2000 edition of "Guide to School Site Analysis and Development" ("Guide") published by the CDE, a copy of which is available at <http://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp>. (5 CCR §§ 14001 (c), 14010.) The Guide provides a guideline of site requirements for specified grade levels and uses and provides a rule-of-thumb approach. The rule-of-thumb approach recommends that elementary schools provide a minimum site of five acres plus an additional acre for every 100 pupils of predicted ultimate enrollment. Based on these guidelines, an elementary school of 600 students would require a site of 11 acres. The proposed Project site is two net acres which represents only 20% of CDE's recommended acreage. It is recommended that the City and Applicant enter into a joint-use agreement for space during the school day at the Morgan Hill Community Park to ensure students have access to adequate play fiends for physical education and recess.

Since preliminary site approval from CDE wasn't provided with the Conditional Use Application, the District contacted CDE to see if Preliminary Site Approval had been obtained. CDE's School Facilities Planning Division indicated that no field representative has viewed the site or provided a written evaluation on its suitability as a school site. It is recommended that prior to making a determination on the Conditional Use Permit that the applicant be required to adhere to CDE's School Site Approval Procedures available at this website <https://www.cde.ca.gov/ls/fa/sf/documents/sfpd401-C.doc>. While only schools seeking State funds are statutorily required to complete the CDE Site Siting standards, given the lack of local standards for determining the suitability and adequacy of the proposed school use we believe it is important that the Project adopts CDE's guidelines as a best practice.

Letter 3 cont'd

3-3

Policy HC-1.4: Strategic Plan. Encourage the Morgan Hill Unified School District, Gavilan College, and private schools to develop a strategic plan for and construct schools to coincide with the planned future growth of the City.

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F). Furthermore, this parcel is currently designated as mixed use-flex (MU-F) and is part of the City's Monterey Road Corridor Study. Permitting the use of this property for another purpose is premature given that the Monterey Road Corridor Study has not been completed and the proposed use might not be conducive to the development of the properties surrounding it.

Policy HC-1.5: Site Selection. Work with the Morgan Hill Unified School District in selecting sites for new schools to optimize educational and community development goals (South County Joint Area Plan 4.08).

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F).

The Site is not suited for a school given its small size (which is further eroded by required creek set-backs), lack of connection to community facilities, and proximity to existing businesses which sell alcohol.

3-4

Policy HC-1.6: Efficient Siting. Site new residential development in areas served by existing schools to allow school facilities to be used most efficiently and to minimize busing needs. (South County Joint Area Plan 4.05)

The District has significant concerns that 33 parking stalls will not be sufficient for the 63 projected employees. Insufficient parking on site will lead to staff and parents parking on City streets.

3-5

With no bussing provided for students, all student transportation for the school will be provided via vehicle or walking. The proposed right-in/right-out operations of the driveway from Cosmo Avenue onto the site does not appear to be adequate for the number of students that would be dropped off. Adding school staff to monitor the driveway during school peak hours to attempt to control left turns in and out of the driveway could have the potential of putting students and staff at risk.

As stated in the Traffic Impact Analysis Study, ("TIA") the estimated inbound cars would be 328 and outbound 265 during the AM peak hours. The insufficient queuing space onsite will negatively impact traffic on Monterey Road during drop-off and pick-up which may impact the District's transportation routes which rely heavily on Monterey Road.

Letter 3 cont'd

3-6

Policy HC-1.7: Neighborhood Activities. Encourage the Morgan Hill Unified School District to design, site, and upgrade elementary schools with flexible facilities that are accessible after school hours for community use to serve as the focal point of each neighborhood's diverse and changing social, cultural, vocational, recreational and educational activities.

The City and the District have worked together to establish school facilities as joint-use facilities that serve as the focal point of the neighborhood social, cultural, vocational, recreational, and educational activities in accordance with Policy HC-1.7. For example, the City and District are jointly developing the Borello School to incorporate fields for community use during non-school hours. Although the Project includes an on-site playground, however it makes no mention of the availability of the facility for community use, therefore, the District recommends the Project be required to provide public access to facilities during non-school hours on a fee or non-fee basis.

3-7

Policy HC-1.8: Park Coordination. Work with the Morgan Hill Unified School District to locate parks and schools together to optimize their use as community facilities (South County Joint Area Plan 4.10).

The proposed Project is contrary to Policy HC-1.8 as it is not located adjacent to a City park to optimize the use as community facilities.

3-8

Noise

The Mitigated Negative Declaration is lacking its analysis of Noise (Initial Study, pg. 73) as it fails to adequately account for playground noise (Initial Study, pg. 84) since the Initial Study only contemplates the current K-5 configuration not the K-8 configuration once the school is fully built-out. In addition, noise during morning recess periods is quantified but not noise during lunch and afternoon recess periods.

3-9

Public Facilities

For the analysis of the impact to Public Facilities (Initial Study, pg 91), the "standard of significance" as set forth in Appendix G of the California Environmental Quality Act ("CEQA") Guidelines, prompts the following inquiry "Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?"

While the District acknowledges that CEQA's concern is analyzing and mitigating for physical environmental impacts, the District takes this opportunity to express other non-environmental impacts of charter schools. The California Legislature recently enacted AB 1505 acknowledging the need for school districts to be able to examine more fully the impact of charter schools on existing public schools — whether a charter school would duplicate an existing offerings or take resources from other district services and academic programs. AB 1505 allows districts to be able to cite financial impact as evidence that a proposed charter will be "demonstrably unlikely to serve the interests of the entire community" as

Letter 3 cont'd

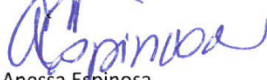
- 3-9 cont'd**
- it may “substantially undermine” existing services and programs or would duplicate a program already offered in a reasonably nearby school with the capacity to serve more students.
- While the District acknowledges these factors are outside of the scope of CEQA analysis, these factors warrant further consideration and analysis for our broader community as it examines the impact of charter schools on public education and existing schools.
- 3-10**
- Transportation**
- The proposed Project would cause the Monterey Road and San Pedro Avenue (AM and PM peak hours) and Monterey Road and Watsonville Road/Butterfield Boulevard (PM peak hour) intersections to operate at unacceptable levels of service during at least one of the peak hours. As stated in the Traffic Impact Analysis Study, (TIA) the estimated inbound cars would be 328 and outbound 265 during the AM peak hours. The insufficient queuing space onsite will negatively impact traffic on Monterey Road during drop-off and pick-up which may impact the District’s transportation routes which rely heavily on Monterey Road.
- It is also important to note that under the proposed site access configuration (right-in/right-out only on Cosmo Avenue), all outbound project traffic would utilize westbound Cosmo Avenue after exiting the project driveway increasing daily traffic volumes on Cosmo Avenue by 30 percent as compared to existing conditions. The increase in daily traffic volumes along Del Monte Avenue and Olympic Drive would be approximately 20 percent and 23 percent.
- 3-11**
- The Initial Study identifies several Mitigation Measures to reduce transportation impacts to less than significant (Initial Study, pg. 94). The District finds that these Mitigation Measures should be enhanced to include a raised barrier rather than a double solid striping shall along Cosmo Avenue (TRA-5) to prohibit left-turn movements into and out of the project site driveway. Adding school staff to monitor the driveway during school peak hours in an to attempt to control left turns in and out of the driveway (TRA-4) could have the potential of putting students and staff at risk of injury. Additionally, the District finds that although well intended to have staggered start times (TRA-4) operationally this will not yield the desired results as families, especially those with siblings, are unlikely to follow this guideline due to the inconvenience of multiple drop-offs so this mitigation measure will not effectively reduce the queuing impact and the District suggests that an alternative mitigation measure is selected such as increasing queuing space on the campus.
- 3-12**
- We implore the Planning Commission to carefully consider the District’s feedback and require that Voices College Bound Language Academy make changes to adopt the suggestions presented within this letter. As set forth above, the General Plan goals, policies, and actions promote a coordinated plan of public school development between the District and the City. The District continues to work collaboratively to encourage high quality and safe educational facilities for ALL students within Morgan Hill Unified School District.

Letter 3 cont'd**3-12
cont'd**

The proposed Project site is contrary to these goals, policies, and actions based on the City of Morgan Hill's General Plan and the California Department of Education's guidelines for school facilities. The District requests that the City ensure that Voices College Bound Language Academy minimally follows the same state approval process that the District is required to follow when selecting a site for a school facility.

Please feel free to contact me if you have any questions at 408-201-6087.

Regards,



Anessa Espinosa
Director of Facilities

cc: Steve Betando, Superintendent
Kirsten Perez, Assistant Superintendent Business Services

LETTER 3: ANESSA ESPINOSA, MORGAN HILL UNIFIED SCHOOL DISTRICT, SEPTEMBER 30, 2019

Response to Comment 3-1

Please see Response to Comment 2-1.

Response to Comment 3-2

Regarding parking adequacy, see Response to Comment 2-6. The remaining comments regarding standards for determining site suitability are not specifically related to the IS/MND, but have been forwarded to the decision-makers.

Response to Comment 3-3

Public charter schools are allowed within the MU-F zone with approval of a conditional use permit (CUP). As discussed in the IS/MND, the applicant is requesting CUP approval from the City. As discussed in Response to Comment 2-3, while the City's General Plan identifies the Monterey Corridor as an Area of Special Consideration, there is no specific requirement for preparation of a "Corridor Study" for Monterey Road prior to approval of new development along the roadway.

Response to Comment 3-4

Please see Response to Comment 2-6.

Response to Comment 3-5

Page 44 of the Traffic Impact Analysis (see Appendix F to the IS/MND) presents an evaluation of the projected operations at the access driveway on Cosmo Avenue. As stated in this section, due to the relatively low traffic volumes along Cosmo Avenue, the project driveway would be adequate. The Traffic Impact Analysis recommends that school staff monitor the school driveway during the school peak hours to ensure the referenced left-turn in and out restriction is implemented. This is a practice that is typically implemented at schools during the schools' peak hours, where staff members or traffic monitors direct parents to ensure drop-off/pick-up procedures are followed. The school would be responsible for ensuring that staff are located in safe locations (not on the roadway), and do not perform any type of enforcement that would jeopardize his/her safety and that of pedestrians and drivers. Police enforcement also would be used given that Cosmo Avenue is a public street.

As stated on Page 43 of the Traffic Impact Analysis, the proposed queue storage capacity within the school site would be approximately one to two vehicles short of meeting the estimated maximum vehicle queue during the school's peak 15-minute period, resulting in one to two vehicles from the queue spilling onto Cosmo Avenue. During the rest of the peak-hour, the queue storage capacity within the site would be adequate to serve the estimated drop-off queue length. Vehicle queues are not projected to extend to Monterey Road as suggested by the comment. Various recommendations were made in the TIA to avoid or minimize the possibility of the inbound queue length extending onto Cosmo Avenue, such as providing additional drop-off positions, ensuring efficient operations

at the drop-off area (with the use of name cards, for example), and implementation of staggered start times. Such recommendations have been incorporated into Mitigation Measure XVII-4 (using revised numbering from the Erratum to the IS/MND).

Response to Comment 3-6

The comment does not address the adequacy of the IS/MND, but has been forwarded to the applicant for their consideration.

Response to Comment 3-7

Please see Responses to Comments 2-2 and 2-4.

Response to Comment 3-8

For playground activity noise, the City of Morgan Hill Municipal Code and General Plan both require an assessment of potential noise impacts relative to the worst-case hourly noise generation of the proposed playground activities. Bollard Acoustical Consultants reasonably considered the morning recess period as the time during which the highest playground activity would occur at the school. Admittedly, the noise analyses focused on the playground noise generation of the K-5 configuration. However, according to the K-8 bell schedule provided by the project applicant, no more than three grade levels would share a morning recess, lunch, or afternoon recess at the same time. Therefore, the total number of students sharing the playground area would typically not exceed 168 students. Because the IS/MND considered playground noise impacts with 168 students present, and because the worst-case number of students would not typically exceed 168 students at any point during the day, the conclusions reached in the IS/MND would remain unchanged even after consideration of the K-8 configuration. Specifically, predicted playground activity noise levels for the K-8 configuration at the nearest noise-sensitive residences would be satisfactory relative the City of Morgan Hill Municipal Code and General Plan noise level criteria.

Response to Comment 3-9

The comment does not address the adequacy of the IS/MND. The commenter's concerns have been forwarded to the decision-makers for their consideration.

Response to Comment 3-10

As noted on pages 109 through 111 of the IS/MND, a potentially significant was identified at the Monterey Road/San Pedro Avenue intersection during the PM peak hour. However, the IS/MND includes mitigation to reduce the identified impact to a less-than-significant level, per City requirements. The addition of project traffic to the Monterey Road and Watsonville Road/Butterfield Boulevard intersection would not be enough to trigger a project impact, based on City of Morgan Hill intersection impact criteria. Per page 60 of the TIA, the intersection of Monterey Road and Watsonville Road/Butterfield Boulevard is projected to operate at unacceptable LOS E during the PM peak-hour under both cumulative and cumulative plus project conditions. However, the addition of project trips would not cause the average critical delay to increase by more than four seconds, nor

the volume-to-capacity ratio to increase by 0.01 or more. Therefore, the proposed project would not have a significant cumulative project impact at this intersection per the City's impact criteria.

In addition, as noted under Response to Comment 3-5 above, the potential maximum queue length of inbound traffic to the project site would not extend to the intersection of Monterey Road and Cosmo Avenue.

As discussed on page 48 of the Traffic Impact Analysis, the project would result in an increase in traffic volumes on the referenced streets. However, traffic volumes on each of the roadways would continue to be within recommended average daily traffic volume capacities for the streets.

Response to Comment 3-11

It is not recommended that a raised median be installed on Cosmo Avenue along the project site frontage due to the narrow street width along the project site frontage. Additionally, a raised median would inhibit full access to the existing business on the south side of Cosmo Avenue.

As discussed on Response to Comment 3-5 above, the mitigation to have school staff monitor the school driveway during the school peak hours is simply to ensure drop-off/pick-up procedures are being followed. This is a practice that is typically implemented at schools during the schools' peak hours, where staff members or traffic monitors direct parents to ensure drop-off/pick-up procedures are followed. The school would be responsible for ensuring that staff are located in safe locations (not on the roadway), and do not perform any type of enforcement that would jeopardize his/her safety and that of pedestrians and drivers. Police enforcement also would be used since Cosmo Avenue is a public street.

It has been observed by Hexagon Transportation that schools generate the greatest amount of traffic during the 15- to 20-minute period prior to the start of the school day. Outside of this peak 15- to 20-minute period, school traffic is minimal. Implementing staggered start times will spread school traffic accessing the school site over a longer period of time, resulting in shorter queue lengths at the school. As discussed in the IS/MND, with 30-minute staggered start times, the maximum queue length at the drop-off area is estimated to be approximately six vehicles during the peak period and can be accommodated within the provided on-site drop-off/pick-up area. Drop-off/pick-up of siblings in different grade levels could be coordinated by families and school staff.

Hexagon Transportation has recommended staggered start times at other schools, including Downtown College Prep, Challenger, and Rocketship schools in San Jose.

Response to Comment 3-12

The comment does not address the adequacy of the IS/MND. The commenter's concerns have been forwarded to the decision-makers for their consideration.

Letter 4

-----Original Message-----

From: D. Muirhead <https://urldefense.proofpoint.com/v2/url?u=http-3A__doug.muirhead-40stanfordalumni.org&d=DwlGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=_NinuXms0Ubv0QxOUqQsMuGVEYKblvASEJyuUGAB0Ao&m=L.U8sPCut5OysbaAmqcaheld_a-r9-Tz8zBpqyPzTJNc&s=uaX82IERHpT8E0xu-4DzIcQO8npjuz0D9v-guSf-U8&c=>>
 Sent: Monday, 30 September, 2019 5:58 AM
 To: Joey Dinh <Joey.Dinh@morganhill.ca.gov>
 Subject: Comment Voices Charter School Project Initial Study

Dear Project Planner Dinh,

Re: Voices Charter School Project, Initial Study, August 2019

Comment #1:

Section 4.X. HYDROLOGY AND WATER QUALITY, Figure 11: Stormwater Control Plan, identified 58,248 square feet of pervious surface that will be replaced with non-pervious surface.

Concrete accounts for 35,887 square feet,

Roof for 19,275 Sf, and

Landscape for 3,086 square feet.

Only Water Quality is the subject of the analysis of impervious surfaces.

Nowhere in the Initial Study is a discussion of heat island effects caused by these new impervious surfaces.

Section 4.XXI. MANDATORY FINDINGS OF SIGNIFICANCE says

"Development of the proposed project would not be expected to result in substantial adverse impacts to human beings, either directly or indirectly."

I would like to see cool surface technologies (such as reflective surfaces for pavement and roofs) used for this project. Two-thirds of currently undeveloped project land adjacent to a stream and trail will be creating new heat impacts.

Thank you for your consideration,

Doug Muirhead, Morgan Hill

-----Original Message-----

From: D. Muirhead <https://urldefense.proofpoint.com/v2/url?u=http-3A__doug.muirhead-40stanfordalumni.org&d=DwlGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=_NinuXms0Ubv0QxOUqQsMuGVEYKblvASEJyuUGAB0Ao&m=pJ15kw39ElZrF8Czps48MUF26ZVIXv-0ZDM7XTQQAMY&s=07NBwGV9D6ZUIX77cnvyVxI4s840eO0edjK_9OVvanc&c=>>
 Sent: Monday, 30 September, 2019 12:17 PM
 To: Joey Dinh <Joey.Dinh@morganhill.ca.gov>
 Subject: Comment #2 Voices Charter School Project Initial Study

Dear Project Planner Dinh,

Re: Voices Charter School Project, Initial Study, August 2019

Comment #2:

[EIR reference text start]

2.2 Project Components

Landscaping and Open Space

The western portion of the site within the existing temporary construction easement, as well as a 35-foot-wide buffer east of the easement required by the Santa Clara Valley Habitat Plan (SCVHP), would be planted with native riparian vegetation and retained as open space. A meandering five- foot-wide interpretive trail consisting of decomposed granite would extend southward from the parking lot, through the proposed open space area, and curving eastward at the southern site boundary. A perimeter fence or wall would be provided along the length of the northern and western site boundaries.

[EIR reference text end]

Figure 3 Site Plan identifies the 35 foot wide riparian setback as being east of the property line.

Figure 9 Landscape Schematic Master Plan identifies the fence or wall as being at the property line.

How far from the stream top of channel is the fence or wall?

The riparian setback area to be used by wildlife should not be blocked off by a fence or wall.

Thank you for your consideration,

Doug Muirhead, Morgan Hill

4-1

4-2

Attachment: Response to Comments- Initial Study/MND [Revision 1] (2485 : Use Permit: Monterey-Voices)

LETTER 4: DOUG MUIRHEAD, SEPTEMBER 30, 2019

Response to Comment 4-1

The CEQA Guidelines require analysis of potential impacts related to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. As noted in Section VI, Energy, of the IS/MND, the proposed project would be subject to all relevant provisions of the most recent update of the California Building Standards Code, including the California Green Building Standards Code (CALGreen Code) and the Building Energy Efficiency Standards. The Building Energy Efficiency Standards contains requirements for the thermal emittance, three-year aged reflectance, and Solar Reflectance Index (SRI) of roofing materials used in new construction and re-roofing projects.¹ Required compliance with such standards would ensure that any potential heat island effects associated with the proposed project would be reduced to the maximum extent feasible. The commenter's suggestion for incorporation of "cool surface technologies" has been forwarded to the applicant.

Response to Comment 4-2

The commenter appears to be concerned about the proposed fence at the western property line impeding the movement of wildlife. It is important to note that Little Llagas Creek continues north and south of the project site, without fencing, thus providing continued opportunities for wildlife movements.

¹ Cool Roof Rating Council. *California Building Energy Efficiency Standards (Title 24, Part 6)*. Available at: <https://coolroofs.org/resources/california-title-24>. Accessed October 2019.

Letter 5

From: [James Lewis](#)
To: [Joey Dinh](#)
Subject: Voices Charter School Conditional Use Permit
Date: Monday, 30 September, 2019 8:49:19 PM

Dear City of Morgan Hill, Development Services Department:

I am writing this letter because I am deeply concerned about the proposed Re-Zoning of the 2 acre lot on Monterey Ave for the Voices Charter School through a Conditional Use Permit.

5-1

I believe that schools should be planned in areas that make sense. I do not believe that this small site on Monterey is adequate for a 600 student school. I also do not believe that it adheres to the City General Plan. There are many problems that I see with the proposed site and how they do not support the general plan or are a benefit to the City of Morgan Hill or students within the MHUSD.

To mention only a few problems:

5-2

I. One of the Cities Goals is Policy HC-1.2: To Coordinate School Development.

-Work with MHUSD to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.

1. The City and MHUSD have worked together to identify appropriate school sites throughout the MHUSD boundaries. I believe that the key work in the goal is "appropriate". This site is not appropriate.
2. The proposed site is not in an area designation by the District and City as an appropriate location for a future facility.
3. This location is currently zoned as mixed use-flex (MU-F). Mixed use is not designed to be used for a school. We should not be giving away commercial land to a school.

5-3

II. A second goal of the city is Policy HC – 1.8: Park Coordination:

-Work with MHUSD to locate parks and schools together to optimize their use as a community facility (South county Joint Area Plan 4.10)

1. This plan is not located near a City Park or other community facilities.
2. There is no agreement between MHUSD and the City for joint use of the Morgan Hill Community Park.

5-4

III. A third city goal is Policy HC-1.3: Quality Educations.

-Cooperate with the City of San Jose, Santa Clara County, and the MHUSD to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the population served.

1. The City and MHUSD have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public

2.

Letter 5 cont'd

5-4
cont'd

The proposed site would place a large number of students on an overcrowded school site.

3. The site is a fraction of the size of school recommended by the CDE.
4. CDE recommends specific grade levels using the rule-of-thumb-approach i.e. Elementary schools are minimally five (5) acres plus an additional acre for every 100 students of the predicted ultimate enrollment.
5. VOICES is proposing a 600 student, 2 acres. Campus. CDE standards requires a minimum of 11 acres.
6. Two (2) acres as a proposed site is 20% of the size campus recommended by the CDE

5-5

7. The City and MHUSD would need a joint use agreement to guarantee use of the Morgan Hill community Park to ensure students have access to adequate play fields for PE and recess.

5-6

8. CDE approval is not provided with the Conditional Use Applications. Upon investigation MHUSD contacted the CDE'S School Facilities Planning Division: It was reported to MHUSD that "NO FIELD REPRESENTATIVE HAS VIEWED THE SITE OR PROVIDED A WRITTEN EVALUATION ON ITS SUITABILITY AS A SCHOOL SITE." It is highly suggested this approval be obtained prior to city approval of this project.

5-7

9. The proposed site is located on a very busy street with little regard to the safety of the students at the site or to the traffic affect on Monterey.

These are just a few of the many reasons that the Conditional Use Permit for the Voices Charter School should be denied. Schools are vital to the life blood of Morgan Hill and the thoughtful planning and location of all schools is paramount to the continued success of all students within the MHUSD boundaries. I appreciate your thoughtful consideration of this proposal the strongly urge you to vote no on the Conditional Use Permit for the Voices Charter School on Monterey Road.

Sincerely,
Jim Levis
Morgan Hill Resident
Parent, Teacher, and
President of the Morgan
Hill Federation of Teachers

LETTER 5: JIM LEVIS, MORGAN HILL FEDERATION OF TEACHERS, SEPTEMBER 30, 2019

Response to Comment 5-1

Please see Response to Comment 2-1.

Response to Comment 5-2

Please see Response to Comment 3-3.

Response to Comment 5-3

See Responses to Comments 2-2 and 2-4.

Response to Comment 5-4

The comments regarding standards for determining site suitability are not specifically related to the IS/MND, but have been forwarded to the decision-makers.

Response to Comment 5-5

See Response to Comment 2-2.

Response to Comment 5-6

The comment does not address the adequacy of the IS/MND, but has been forwarded to the decision-makers.

Response to Comment 5-7

With regard to potential traffic impacts along Monterey Road, see Response to Comment 3-5. With regard to traffic safety issues, page 109 of the IS/MND states the following:

The proposed project would include installation of new sidewalks along the entire project frontage. While the lack of sidewalks along the west side of Monterey Road to the north of the project site would result in a discontinuous pedestrian facility network in the immediate project area for potential pedestrian traffic originating from the north, pedestrian traffic from the north could instead utilize Del Monte Avenue and the existing trail that runs along the west side of the school site, between Spring Avenue to Cosmo Avenue. Pedestrian traffic from the north and east of Monterey Road could use the sidewalks along the east side of Monterey Road to access the project site. Thus, the proposed project would not disrupt existing pedestrian facilities, eliminate existing pedestrian facilities, interfere with planned pedestrian facilities, increase conflicts between drivers and pedestrians, or create inconsistencies or conflicts with policies in the City's Bikeways, Trails, Parks, and Recreation Master Plan.

In addition, the IS/MND includes mitigation to require installation of a crosswalk across the north leg of the Monterey Road/Cosmo Avenue intersection, modification of the signal at the

intersection to include pedestrian phasing, and installation of post-mounted rectangular rapid flashing LED beacons on the bike/pedestrian crossing warning signs at the Little Llagas Creek Trail access on Cosmo Avenue. Such improvements would ensure that significant impacts related to pedestrian safety would not occur.



MORGAN HILL UNIFIED SCHOOL DISTRICT

15600 CONCORD CIRCLE • MORGAN HILL, CA 95037 • (408) 201-6023

July 3, 2019

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

Re: Project: UP2018-0015 Monterey-Voices

Ms. Luna,

The Morgan Hill Unified School District ("District") is in receipt of the City of Morgan Hill's ("City") June 27, 2019 correspondence requesting comments on the application for a Conditional Use Permit by Darren Berberian/Pacific West Communities, Inc. ("Applicant") on behalf of Voices College-Bound Language Academy Morgan Hill ("Voices"). The project proposal would include the construction of a K-8 public charter school serving approximately 600 students and 50 staff members on two acres located at the corner of Cosmo Avenue and Monterey Road in Morgan Hill ("Project").

In accordance with Municipal Code 18.108.030, "A conditional use permit is a *discretionary* action that enables the planning commission to ensure that a *proposed use is consistent with the general plan* and will not create negative impacts to adjacent properties or the general public." (*emphasis added*) We implore the Planning Department and Commission to carefully consider the District's feedback and encourage that the Applicant makes changes to adopt the suggestions presented within this letter.

This parcel is currently designated as mixed use-flex (MU-F) and is part of the City's Monterey Road Corridor Study. Permitting the use of this property for another purpose is premature given that the Monterey Road Corridor Study has not been completed. Since this parcel is contiguous to a larger vacant parcel granting use of a portion of the parcel might limit the future development of the adjacent parcel. Furthermore, using property that could be developed into housing may inadvertently reduce the availability of a more diverse residential product mix and affordable workforce housing in Morgan Hill.

In addition, the District reviewed the proposed Project relative to the City of Morgan Hill's 2035 General Plan and has found that the project does not conform to the goals of the General Plan as specified below.

Policy HC-1.1: Neighborhood Schools. Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a community resource facility.

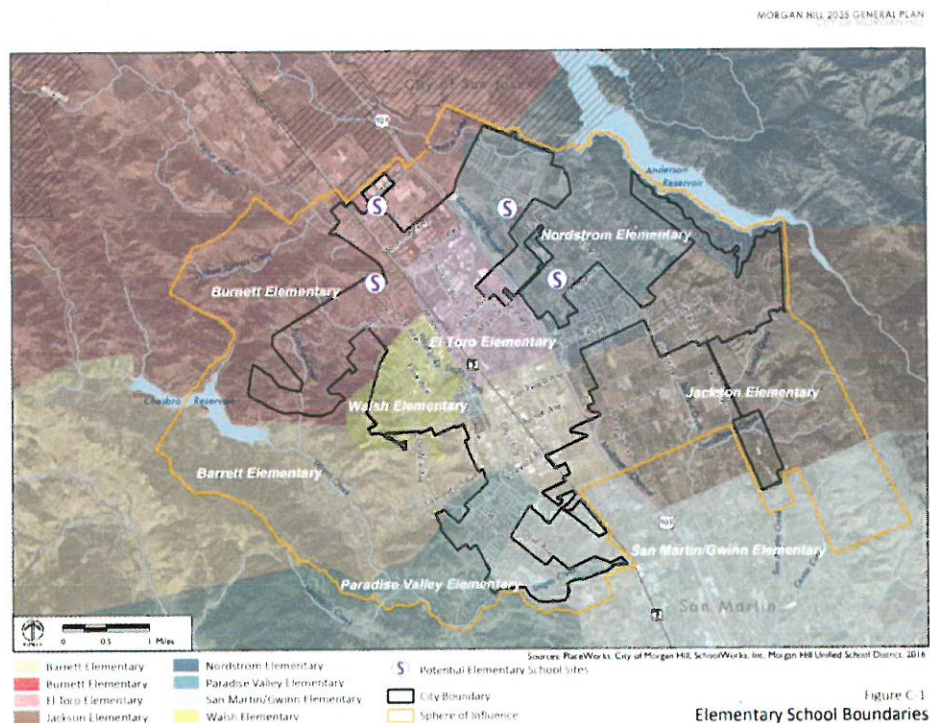
Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

The Applicant does not operate schools with traditional school boundaries, therefore, the proposed Project Site does not promote neighborhood schools. While we acknowledge that public charter schools operate without traditional neighborhood boundaries. We also acknowledge the benefits of neighborhood schools such as students walking to school (especially important since Voices does not provide bussing), a sense of community, and a ready mix of friends who live nearby.

Currently, Voices provides an admission preference in their lottery for students residing within the District. The District encourages Voices to consider amending their Petition to provide an admission preference to students living within the Walsh Elementary School attendance boundary in order to support creating a neighborhood school.

Policy HC-1.2: Coordinate School Development. Work with the Morgan Hill Unified School District to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F).



Policy HC-1.3: Quality Education. Cooperate with the City of San Jose, Santa Clara County, and the Morgan Hill Unified School District to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding, and providing school locations convenient to the population served.

The City and District have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public in accordance with Policy HC-1.3. The proposed Project site would place a large number of students on an overcrowded school site that is only a fraction of the size suggested for elementary school students by the California Department of Education ("CDE"). Additionally, this location would not provide adequate facilities for parking, physical education, and recess activities.

The City's municipal code does not set forth any standards for determining the suitability and adequacy of the proposed school use. Presumably, this is because all previous public schools in Morgan Hill were built by the District in accordance with standards established by the CDE pursuant to Education Code section 17251 and the California Code of Regulations, Title 5, sections 14001 through 14012. Education Code section 47610 generally exempts charter schools from laws governing school districts, including those pertaining to school facilities. Notwithstanding, charter schools are required to comply with the California Building Standards Code as adopted and enforced by the local agency with jurisdiction. (Ed. Code, § 47610(d).) However, building code standards do not provide guidance as to whether the proposed site is suitable and adequate for use as an elementary/middle school.

The question logically arises as to what standards the Planning Commission should apply to the Project. Proposition 39 amended Education Code section 47614 to require school districts to make available for charter schools district facilities and equipment reasonably equivalent to those in which the students would be accommodated if they were attending other district public schools. Accordingly, as a matter of public policy, the City should find that the proper standard for suitability and adequacy of a charter school location is a site that is reasonably equivalent to the standards for school district sites as established by the CDE.

Public school facilities are required to be located on sites with the net usable acreage consistent with the number of acres and enrollment established in the 2000 edition of "Guide to School Site Analysis and Development" ("Guide") published by the CDE, a copy of which is available at <http://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp>. (5 CCR §§ 14001 (c), 14010.) The Guide provides breakdowns of site requirements for specified grade levels and uses and provides a rule-of-thumb approach. The rule-of-thumb approach recommends that elementary schools provide a minimum site of five acres plus an additional acre for every 100 pupils of predicted ultimate enrollment. Based on these guidelines, an elementary school of 600 students would require a site of 11 acres. The proposed Project site is two net acres which represents only 20% of CDE's recommended acreage. It is recommended that the City and Applicant enter into a joint-use agreement for space during the school day at the Morgan Hill Community Park to ensure students have access to adequate play fiends for physical education and recess.

Since preliminary site approval from CDE wasn't provided with the Conditional Use Application, the District contacted CDE to see if Preliminary Site Approval had been obtained. CDE's School Facilities Planning Division indicated that no field representative has viewed the site or provided a written evaluation on its suitability as a school site. It is recommended that prior to making a determination on

the Conditional Use Permit that the applicant be required to adhere to CDE's School Site Approval Procedures available at this website <https://www.cde.ca.gov/ls/fa/sf/documents/sfpd401-C.doc>. While only schools seeking State funds are statutorily required to complete the CDE Site Siting standards, given the lack of local standards for determining the suitability and adequacy of the proposed school use we believe it is important that the Project adopts CDE's guidelines as a best practice.

Policy HC-1.4: Strategic Plan. Encourage the Morgan Hill Unified School District, Gavilan College, and private schools to develop a strategic plan for and construct schools to coincide with the planned future growth of the City.

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F). Furthermore, this parcel is currently designated as mixed use-flex (MU-F) and is part of the City's Monterey Road Corridor Study. Permitting the use of this property for another purpose is premature given that the Monterey Road Corridor Study has not been completed and the proposed use might not be conducive to the development of the properties surrounding it.

Policy HC-1.5: Site Selection. Work with the Morgan Hill Unified School District in selecting sites for new schools to optimize educational and community development goals (South County Joint Area Plan 4.08).

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F).

The Site is not suited for a school given its small size (which is further eroded by required creek set-backs), lack of connection to community facilities, and proximity to existing businesses in which sell alcohol.

Policy HC-1.6: Efficient Siting. Site new residential development in areas served by existing schools to allow school facilities to be used most efficiently and to minimize busing needs. (South County Joint Area Plan 4.05)

The Applicant has not completed a traffic impact analysis. Although a traffic management plan has been submitted, it is not detailed enough to demonstrate that 1) onsite parking is sufficient and 2) there is sufficient queuing space on site to handle peak school traffic. Although the Applicant states that have "maintained seamless traffic flow at its current school site by implementing a traffic management plan" it can't be assumed that traffic patterns at a new site and with double its current school population would be similar.

The District has concerns that 33 parking stalls will not be sufficient for the 50 projected staff members. With no bussing provided for students, all student transportation for the school will be provided via

vehicle or walking. Given the potential volume of traffic, there is no demonstration by a traffic engineer that the onsite queuing is sufficient to prevent traffic from backing up onto surface streets. Insufficient queuing space onsite will negatively impact traffic on Monterey Road during drop-off and pick-up which may impact the District's transportation routes which rely heavily on Monterey Road.

Policy HC-1.7: Neighborhood Activities. Encourage the Morgan Hill Unified School District to design, site, and upgrade elementary schools with flexible facilities that are accessible after school hours for community use to serve as the focal point of each neighborhood's diverse and changing social, cultural, vocational, recreational and educational activities.

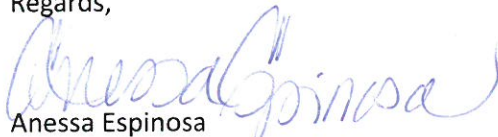
The City and the District have worked together to establish school facilities as joint-use facilities that serve as the focal point of the neighborhood social, cultural, vocational, recreational, and educational activities in accordance with Policy HC-1.7. For example, the City and District are jointly developing the Borello School to incorporate fields for community use during non-school hours. The Project makes no mention of the availability of the facility for community use, therefore, the District recommends the Project be required to provide public access to facilities during non-school hours on a fee or non-fee basis.

Policy HC-1.8: Park Coordination. Work with the Morgan Hill Unified School District to locate parks and schools together to optimize their use as community facilities (South County Joint Area Plan 4.10).

The proposed Project is contrary to Policy HC-1.8 as it is not located adjacent to a City park to optimize the use as community facilities.

As set forth above, the General Plan goals, policies, and actions promote a coordinated plan of public school development between the District and the City. The District continues to work collaboratively to encourage safe educational facilities for all students within Morgan Hill Unified School District. The proposed Project site is contrary to these goals, policies, and actions based on the City of Morgan Hill's General Plan and the California Department of Education's guidelines for school facilities. The District requests that the City takes into consideration the extensive property search the District undertakes along with the state approval process that the District is required to assume when choosing a site for a school facility. Please feel free to contact me if you have any questions at 408-201-6087.

Regards,


Anessa Espinosa
Director of Facilities

cc: Steve Betando, Superintendent
Kirsten Perez, Assistant Superintendent Business Services

From: [Marianne Guntow](#)
To: [Joey Dinh](#)
Subject: Questions about Voices Charter School Project
Date: Thursday, 12 September, 2019 10:36:14 PM

Hello,

I appreciate the wide community notification about the Voices Charter School Project.

I am concerned about the daily traffic impact. Has a review been done yet that includes traffic? Drop off and pickup of some portion of more than 500 students and the coming and going of more than 60 employees will be a lot of vehicles in a narrow window when the streets are already busy.

Will the school have onsite parking for all employees plus visitors?

Is this a completely new school or are they currently located elsewhere and are moving here? Where are the students going now?

Would these be more than 60 completely new jobs to Morgan Hill? Are they full time, part time, intern, volunteer?

Thanks!
Marianne

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From: [Brian](#)
To: [Joey Dinh](#)
Subject: New Charter School
Date: Thursday, 12 September, 2019 9:39:30 PM

Good Evening,

I'm a public school teacher and own a home in Morgan Hill. I send my kid to PA Walsh, sadly known as the "worst school in Morgan Hill". I love my neighborhood, community, and school. I find it disgusting that our school is classified as title 1 which is supposed to give priority to lower socioeconomic students the ability to transfer, when in reality the students who are transferring out of PA Walsh are those that come from the highest socioeconomic backgrounds in the neighborhood. This is completely backwards. Most of the lower socioeconomic student families do not even know the charter school exists and that they can request a transfer.

How will this new charter school be any different? Is the city's plan to just create more charter schools until all of the poor people have been filtered out, and charter schools are just an upper class, segregated environment? Will this new charter school reduce class sizes at PA Walsh and other schools? Will this Charter school take resources away from other schools?

Lastly, the name "Voices" is extremely deceptive and misleading as the current charter school has proven to be anything but a "voice". It is more of a hush hush we can send our kids there so they don't have to be around minorities and the poor. I would think if you name a school "Voices" you would actually be providing a voice for someone who needs it.

Thanks and I would love to hear a reply.

Brian Gadus

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Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [Suzanne Downer](#)
To: [Joey Dinh](#)
Subject: Charter School
Date: Friday, 13 September, 2019 7:14:05 AM

I do not want another Charter School in Morgan Hill.
Suzanne Downer

Sent from my iPhone

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From: [Maureen Tobin](#)
To: [Joey Dinh](#)
Subject: FW: For Your Review and Comment: Voices Charter School Project
Date: Monday, 16 September, 2019 11:38:04 AM

Just a comment...

Maureen Tobin
 Communications and Engagement Director
[Engage With Us!](#)

City of Morgan Hill
 City Manager's Office
 17575 Peak Avenue, Morgan Hill, CA 95037

P: 408.310.4706 **C:** 408.406.4076
maureen.tobin@morganhill.ca.gov
morganhill.ca.gov | [facebook](#) | [twitter](#)

From: Diane McHenry <ddmchenry@verizon.net>
Sent: Saturday, September 14, 2019 5:52 PM
To: Maureen Tobin <Maureen.Tobin@morganhill.ca.gov>
Subject: Re: For Your Review and Comment: Voices Charter School Project

That is not a very safe area of Morgan Hill. I'm sure you know that.

Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [Maureen Tobin](#)
To: [Joey Dinh](#)
Subject: FW: For Your Review and Comment: Voices Charter School Project
Date: Monday, 16 September, 2019 11:40:22 AM

Maureen Tobin
 Communications and Engagement Director
[Engage With Us!](#)

City of Morgan Hill
 City Manager's Office
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morganhill.ca.gov | [facebook](#) | [twitter](#)

From: Tom Guinane <guinane@gmail.com>
Sent: Saturday, September 14, 2019 11:26 AM
To: Maureen Tobin <Maureen.Tobin@morganhill.ca.gov>
Subject: Re: For Your Review and Comment: Voices Charter School Project

Hi Maureen,
 Unfortunately due to other commitments, I cannot attend the meeting in early October. If I could I would like to point out to the Planning Commission that the 25' x 25' turf play area and 25' x 40' playground (my estimates from looking at the maps) are not enough space to hold 500 children. Fifty children at play would be overcrowded in that area. In today's world of cell phones and video games, we as responsible community leaders need to make MORE space for our children to play outside, (and encourage them to do so) not less. Where are the four square areas? Hop scotch? Basketball courts? What about the fields for soccer and other games? Isn't the physical health of our children a concern anymore?

This school plan is unworthy of approval by the Planning Commission without sufficient on-site, secure (fenced in) play areas for the children.

Thanks for listening.
 Tom Guinane

On

, please contact the Morgan Hill IT Department by opening a new helpdesk request online or call 408-909-0055.

Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [donna.ruebusch](#)
To: [Joey Dinh](#)
Subject: VOICES Charter Project # UP2018-0015
Date: Monday, 23 September, 2019 11:08:23 AM
Attachments: [VOICES memo to MH City Council.docx](#)

I encourage the City Counsel members to reject this proposed site for VOICES Charter

Respectfully Submitted for Counsel consideration Donna Ruebusch

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City of Morgan Hill Community Development – Monterey (Road/Corridor) **VOICES Charter Project # UP2018-0015**

This is a summary of information comparing the MH General Plan and

From: Donna Ruebusch (retired MHUSD teacher, Committee member on the City/School liaison Committee (2014-18) former MHUSD Board member and past board president.

Municipal Code 18.108.30 states:

A conditional use permit is a **discretionary action** that enables the planning commission **to ensure** the proposed use is

1. Consistent with the general plan and
2. Will not create negative impacts to adjacent properties or the general public
3. Permit for use of this property is premature because
 - a. Monterey Road Corridor Study has not been completed
 - b. The parcel under consideration is contiguous to larger vacant parcels which might limit future development of the adjacent property
 - c. The current parcel could be developed for housing to help create affordable housing for public workers i.e. teachers, firefighters, police.
1. This project does not conform to the goals of Morgan Hill's General Plan 2035
2. This particular parcel has been previously rejected during the Rocketship charter applications – approximately 2104
3. MHUSD has K-8 schools available to all students
 - a. San Martin Gwinn Dual Language Immersion program
 - b. Jackson Academy of Math and Music is K-8

Middle Schools serve grades 6-8 and provide language and music programs

Goal: Policy HC-1.1: Neighborhood Schools:

Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a community resource facility.

1. VOICES does not operate schools with traditional school boundaries therefore does not promote neighborhood schools
2. Reduces opportunities for students to walk to school, sense of community and ready mix of friends who live nearby
3. VOICES provides admission preference in their lottery for students residing in the district. The petition should be amended to admission preference for students in the PA WALSH school attendance boundary in order to support creating neighborhood schools
4. I was visiting family in San Jose (near Willow Glen) I was very surprised to see the entire neighborhood was leafleted with papers encouraging attendance at public meetings for VOICES renewal and expansion. This is counter to their stated purpose and charter which to serve underprivileged children and this neighborhood well out of proposed attendance boundaries. This recruitment technique shifts MHUSD dollars away from the district and many student needs to the few (and quite possibly students from outside our school district).

Goal: Policy HC-1.2: Coordinate School Development.

Work with MHUSD to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.

1. The City and MHUSD have worked together to identify school sites (maps are available)

2. The proposed site is not in an area designation by the District and City as an appropriate location for future facility. This location is currently zoned as mixed use-flex (MU-F)
3. **Goal: Policy HC-1.3: Quality Educations. Cooperate with the City of San Jose, Santa Clara County, and the MHUSD to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the population served.**
1. The City and MHUSD have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public
2.
 - a. The proposed site would place a large number of students on an **overcrowded** school site
 - b. The site is a fraction of the size of school recommended by the CDE
 - c. CDE recommends specific grade levels using the rule-of-thumb-approach i.e. **Elementary schools are minimally five (5) acres plus an additional acre for every 100 students of the predicted ultimate enrollment.**
 - d. **VOICES is proposing a 600 student, 2 acres. Campus. CDE standards requires a minimum of 11 acres**
 - e. Two (2) acres as a proposed site is 20% of the size campus recommended by the CDE
 - f. The City and MHUSD would need a joint use agreement to guarantee use of the Morgan Hill community Park to ensure students have access to adequate play fields for PE and recess.
 - g. CDE approval is not provided with the Conditional Use Applications. Upon investigation MHUSD contacted the CDE'S School Facilities Planning Division: It was **reported to MHUSD that "NO FIELD REPRESENTATIVE HAS VIEWED THE SITE OR PROVIDED A WRITTEN EVALUATION ON ITS SUITABILITY AS A SCHOOL SITE."** It is highly suggested this approval be obtained prior to city approval of this project.
 - h.

Goal: Policy HC – 1.4: Strategic Plan. Encourage the MHUSD, Gavilan College and private schools to develop a strategic plan for and construct schools to coincide wit the planned future growth of the City.

1. The proposed school VOICES project is not in an area designated by the District and City as an appropriate location for future facilities. This location is currently zoned as mixed use-flex (MU-F)
2. Permit for use of this property is premature because: Monterey Road Corridor Study has not been completed

Goal: Policy HC – 1.5: Site Selection. Work with the MHUSD in selecting sites for new schools to optimize educational and community development goals (South County Joint Area Plan 4.08)

The City and MHUSD have worked together to identify appropriate locations for schools.

1. The project is not in area designated by the City or MHUSD for a school
2. The size of the property:
 - a. 9 acres too small by CDE standards (to which all public schools are held)
 - b. Size is eroded by required creek setbacks
 - c. Lack of connection to community facilities
 - d. Proximity to existing businesses which sell alcohol

VOICES has not lived up to all previous agreements i.e. expenditure of the \$125,000 for classrooms that was approved during my tenure on the Board. And rejected other more suitable sites proposed by the District staff.

Goal: Policy HC-1.6: Efficient Siting. Site new residential development in areas served by existing schools to allow school facilities to be used most efficiently and to minimize busing needs (South County Joint Area Plan 4.05)

1. VOICES has **not completed a traffic impact analysis.**
2. A traffic management plan has been submitted but not enough detail is provided for the following issues:
 - a. Does not demonstrate onsite **parking** sufficient.
 1. There are 33 parking stalls listed but this is not sufficient for 50 staff members
 - b. Insufficient **queuing space** to handle peak school traffic:
 1. Applicant states that “maintained seamless traffic flow at its current school site is implementing a “traffic management plan”. **It can’t be assumed the traffic patterns at the new site, on Monterey Rd, with double the current population would be similar to Murphy Avenue.**
 2. There is no demonstration by a traffic engineer that onsite queuing is sufficient to prevent traffic from backing up onto surface streets.
 3. Insufficient space for drop-off and pick-up space
 4. Above queuing could impact MHUSD on Monterey Rd as the District’s transportation relies heavily on Monterey Rd.

Goal: Policy HC-1.7: Neighborhood Activities: Encourage the MHUSD to design, site and upgrade elementary schools with flexible facilities that are accessible after school hours for community use to serve as the focal point of each neighborhood’s diverse and changing social, cultural, vocational, recreational and educational activities.

1. The City and MHUSD have worked together to establish joint-use facilities. The City and District are jointly developing Borello School to incorporate fields for community use during non-school hours.
2. VOICES makes no mention of availability of the facility for community use. It is recommended VOICES provide public access to the facilities during non-school hours on a fee or no-fee basis.

Goal: Policy HC – 1.8: Park Coordination: Work with MHUSD to locate parks and schools together to optimize their use as a community facility (South county Joint Area Plan 4.10)

1. This plan is not located near a City Park or other community facilities.

From: davidelliott873@gmail.com
To: [Joey Dinh](#)
Subject: Charter School
Date: Friday, 27 September, 2019 11:48:09 AM

I oppose the proposed charter school on principle. I do not believe it is in the best interests of the children of our community to divert resources from our existing public schools in order to support charter school adventures. If there is more need than the current public schools can meet, then the public school system should be expanded.

Charter schools are, by definition, not required to meet the standards that have mandated for our public schools, which makes them inherently inferior to public schools.

The children of this city deserve better.

David H. Elliott, Ph.D.
1160 Cochrane Road
Morgan Hill, CA

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MORGAN HILL UNIFIED SCHOOL DISTRICT

15600 CONCORD CIRCLE • MORGAN HILL, CA 95037 • (408) 201-6023

September 30, 2019

City of Morgan Hill
Community Development Department
Joey Dinh, Associate Planner
17575 Peak Avenue
Morgan Hill, CA 95037

Delivery: USPS
Email: joey.dinh@morganhill.ca.gov

**Re: Conditional Use Permit UP2018-0015 Voices Charter School
Initial Study/Mitigated Negative Declaration EA2018-0024 Monterey - Voices**

Mr. Dinh,

The Morgan Hill Unified School District ("District") is in receipt of the City of Morgan Hill's ("City") June 27, 2019 correspondence requesting comments on the application for a Conditional Use Permit by Darren Berberian/Pacific West Communities, Inc. ("Applicant") on behalf of Voices College-Bound Language Academy Morgan Hill ("Voices"). The District previously submitted comments to City staff regarding the Conditional Use Permit and met with Voices staff to review these comments and concerns. The District is also in receipt of the City's Notice of Intent to Adopt Initial Study/Mitigated Negative Declaration dated August 23, 2019 for the Voices Charter School Project. The project proposal would include the construction of a K-8 public charter school serving approximately 504 students and 63 employees on two acres located at the corner of Cosmo Avenue and Monterey Road in Morgan Hill ("Project").

This letter includes the District's response to both the Conditional Use Permit and Initial Study/Mitigated Negative Declaration as it our understanding that the Planning Commission will be taking action on both of these items at its October 8, 2019 meeting.

Pursuant to Section 18.22.020 of the Morgan Hill Municipal Code, the Project would require an approved Conditional Use Permit. In accordance with Municipal Code 18.108.030, "A conditional use permit is a *discretionary action* that enables the planning commission to ensure that a proposed use is consistent with the General Plan and will not create negative impacts to adjacent properties or the general public." (*emphasis added*) The District has significant concerns that the proposed use of the property is not consistent with the General Plan.

This parcel is currently designated as mixed use-flex (MU-F) and is part of the City's Monterey Road Corridor Study. Since this parcel is contiguous to a larger vacant parcel granting use of a portion of the parcel might limit the future development of the adjacent parcel. Furthermore, using property that could be developed into housing may inadvertently reduce the availability of a more diverse residential

Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

product mix and affordable workforce housing in Morgan Hill which may affect the ability of the District to attract and retain employees.

Land Use and Planning

The Mitigated Negative Declaration is lacking its analysis of Land Use and Planning (Initial Study, pg. 71) as the District has identified that the Project does not conform to the goals of the General Plan as specified further below.

Policy HC-1.1: Neighborhood Schools. Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a community resource facility.

The Applicant does not operate schools with traditional school boundaries, therefore, the proposed Project does not promote neighborhood schools. While we acknowledge that public charter schools operate without traditional neighborhood boundaries, we also recognize the benefits of neighborhood schools such as students walking to school (especially important since Voices does not provide bussing), a sense of community, and a ready mix of friends who live nearby.

Currently, Voices provides an admission preference in their lottery for students residing within the District. The District encourages Voices to consider amending their Petition to provide an admission preference to students living within the P.A. Walsh Elementary School attendance boundary in order to support creating a neighborhood school.

Policy HC-1.2: Coordinate School Development. Work with the Morgan Hill Unified School District to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F).

Policy HC-1.3: Quality Education. Cooperate with the City of San Jose, Santa Clara County, and the Morgan Hill Unified School District to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding, and providing school locations convenient to the population served.

The City and District have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public in accordance with Policy HC-1.3. The proposed Project site would place a large number of students on an overcrowded school site that is only a fraction of the size suggested for elementary school students by the California Department of Education ("CDE"). Additionally, this location would not provide adequate facilities for parking, physical education, and recess activities.

The City's municipal code does not set forth any standards for determining the suitability and adequacy of the proposed school use. Presumably, this is because all previous public schools in the City of Morgan Hill were built by the District in accordance with standards established by the CDE pursuant to Education Code section 17251 and the California Code of Regulations, Title 5, sections 14001 through 14012. Education Code section 47610 generally exempts charter schools from laws governing school districts, including those pertaining to school facilities. Notwithstanding, charter schools are required to comply with the California Building Standards Code as adopted and enforced by the local agency with jurisdiction. (Ed. Code, § 47610(d).) However, building code standards do not provide guidance as to whether the proposed site is suitable and adequate for use as an elementary/middle school.

The question logically arises as to what standards the Planning Commission should apply to the Project. Proposition 39 amended Education Code section 47614 to require school districts to make available for charter schools district facilities and equipment reasonably equivalent to those in which the students would be accommodated if they were attending other district public schools. Accordingly, as a matter of public policy, the City should find that the proper standard for suitability and adequacy of a charter school location is a site that is reasonably equivalent to the standards for school district sites as established by the CDE.

Public school facilities are required to be located on sites with the net usable acreage consistent with the number of acres and enrollment established in the 2000 edition of "Guide to School Site Analysis and Development" ("Guide") published by the CDE, a copy of which is available at <http://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp>. (5 CCR §§ 14001 (c), 14010.) The Guide provides a guideline of site requirements for specified grade levels and uses and provides a rule-of-thumb approach. The rule-of-thumb approach recommends that elementary schools provide a minimum site of five acres plus an additional acre for every 100 pupils of predicted ultimate enrollment. Based on these guidelines, an elementary school of 600 students would require a site of 11 acres. The proposed Project site is two net acres which represents only 20% of CDE's recommended acreage. It is recommended that the City and Applicant enter into a joint-use agreement for space during the school day at the Morgan Hill Community Park to ensure students have access to adequate play fiends for physical education and recess.

Since preliminary site approval from CDE wasn't provided with the Conditional Use Application, the District contacted CDE to see if Preliminary Site Approval had been obtained. CDE's School Facilities Planning Division indicated that no field representative has viewed the site or provided a written evaluation on its suitability as a school site. It is recommended that prior to making a determination on the Conditional Use Permit that the applicant be required to adhere to CDE's School Site Approval Procedures available at this website <https://www.cde.ca.gov/ls/fa/sf/documents/sfpd401-C.doc>. While only schools seeking State funds are statutorily required to complete the CDE Site Siting standards, given the lack of local standards for determining the suitability and adequacy of the proposed school use we believe it is important that the Project adopts CDE's guidelines as a best practice.

Policy HC-1.4: Strategic Plan. Encourage the Morgan Hill Unified School District, Gavilan College, and private schools to develop a strategic plan for and construct schools to coincide with the planned future growth of the City.

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F). Furthermore, this parcel is currently designated as mixed use-flex (MU-F) and is part of the City's Monterey Road Corridor Study. Permitting the use of this property for another purpose is premature given that the Monterey Road Corridor Study has not been completed and the proposed use might not be conducive to the development of the properties surrounding it.

Policy HC-1.5: Site Selection. Work with the Morgan Hill Unified School District in selecting sites for new schools to optimize educational and community development goals (South County Joint Area Plan 4.08).

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F).

The Site is not suited for a school given its small size (which is further eroded by required creek set-backs), lack of connection to community facilities, and proximity to existing businesses which sell alcohol.

Policy HC-1.6: Efficient Siting. Site new residential development in areas served by existing schools to allow school facilities to be used most efficiently and to minimize busing needs. (South County Joint Area Plan 4.05)

The District has significant concerns that 33 parking stalls will not be sufficient for the 63 projected employees. Insufficient parking on site will lead to staff and parents parking on City streets.

With no bussing provided for students, all student transportation for the school will be provided via vehicle or walking. The proposed right-in/right-out operations of the driveway from Cosmo Avenue onto the site does not appear to be adequate for the number of students that would be dropped off. Adding school staff to monitor the driveway during school peak hours to attempt to control left turns in and out of the driveway could have the potential of putting students and staff at risk.

As stated in the Traffic Impact Analysis Study, ("TIA") the estimated inbound cars would be 328 and outbound 265 during the AM peak hours. The insufficient queuing space onsite will negatively impact traffic on Monterey Road during drop-off and pick-up which may impact the District's transportation routes which rely heavily on Monterey Road.

Policy HC-1.7: Neighborhood Activities. Encourage the Morgan Hill Unified School District to design, site, and upgrade elementary schools with flexible facilities that are accessible after school hours for community use to serve as the focal point of each neighborhood's diverse and changing social, cultural, vocational, recreational and educational activities.

The City and the District have worked together to establish school facilities as joint-use facilities that serve as the focal point of the neighborhood social, cultural, vocational, recreational, and educational activities in accordance with Policy HC-1.7. For example, the City and District are jointly developing the Borello School to incorporate fields for community use during non-school hours. Although the Project includes an on-site playground, however it makes no mention of the availability of the facility for community use, therefore, the District recommends the Project be required to provide public access to facilities during non-school hours on a fee or non-fee basis.

Policy HC-1.8: Park Coordination. Work with the Morgan Hill Unified School District to locate parks and schools together to optimize their use as community facilities (South County Joint Area Plan 4.10).

The proposed Project is contrary to Policy HC-1.8 as it is not located adjacent to a City park to optimize the use as community facilities.

Noise

The Mitigated Negative Declaration is lacking its analysis of Noise (Initial Study, pg. 73) as it fails to adequately account for playground noise (Initial Study, pg. 84) since the Initial Study only contemplates the current K-5 configuration not the K-8 configuration once the school is fully built-out. In addition, noise during morning recess periods is quantified but not noise during lunch and afternoon recess periods.

Public Facilities

For the analysis of the impact to Public Facilities (Initial Study, pg 91), the "standard of significance" as set forth in Appendix G of the California Environmental Quality Act ("CEQA") Guidelines, prompts the following inquiry "Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?"

While the District acknowledges that CEQA's concern is analyzing and mitigating for physical environmental impacts, the District takes this opportunity to express other non-environmental impacts of charter schools. The California Legislature recently enacted AB 1505 acknowledging the need for school districts to be able to examine more fully the impact of charter schools on existing public schools — whether a charter school would duplicate an existing offerings or take resources from other district services and academic programs. AB 1505 allows districts to be able to cite financial impact as evidence that a proposed charter will be "demonstrably unlikely to serve the interests of the entire community" as

it may “substantially undermine” existing services and programs or would duplicate a program already offered in a reasonably nearby school with the capacity to serve more students.

While the District acknowledges these factors are outside of the scope of CEQA analysis, these factors warrant further consideration and analysis for our broader community as it examines the impact of charter schools on public education and existing schools.

Transportation

The proposed Project would cause the Monterey Road and San Pedro Avenue (AM and PM peak hours) and Monterey Road and Watsonville Road/Butterfield Boulevard (PM peak hour) intersections to operate at unacceptable levels of service during at least one of the peak hours. As stated in the Traffic Impact Analysis Study, (TIA) the estimated inbound cars would be 328 and outbound 265 during the AM peak hours. The insufficient queuing space onsite will negatively impact traffic on Monterey Road during drop-off and pick-up which may impact the District’s transportation routes which rely heavily on Monterey Road.

It is also important to note that under the proposed site access configuration (right-in/right-out only on Cosmo Avenue), all outbound project traffic would utilize westbound Cosmo Avenue after exiting the project driveway increasing daily traffic volumes on Cosmo Avenue by 30 percent as compared to existing conditions. The increase in daily traffic volumes along Del Monte Avenue and Olympic Drive would be approximately 20 percent and 23 percent.

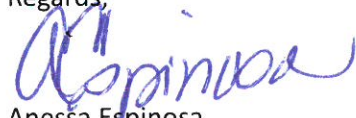
The Initial Study identifies several Mitigation Measures to reduce transportation impacts to less than significant (Initial Study, pg. 94). The District finds that these Mitigation Measures should be enhanced to include a raised barrier rather than a double solid striping shall along Cosmo Avenue (TRA-5) to prohibit left-turn movements into and out of the project site driveway. Adding school staff to monitor the driveway during school peak hours in an to attempt to control left turns in and out of the driveway (TRA-4) could have the potential of putting students and staff at risk of injury. Additionally, the District finds that although well intended to have staggered start times (TRA-4) operationally this will not yield the desired results as families, especially those with siblings, are unlikely to follow this guideline due to the inconvenience of multiple drop-offs so this mitigation measure will not effectively reduce the queuing impact and the District suggests that an alternative mitigation measure is selected such as increasing queuing space on the campus.

We implore the Planning Commission to carefully consider the District’s feedback and require that Voices College Bound Language Academy make changes to adopt the suggestions presented within this letter. As set forth above, the General Plan goals, policies, and actions promote a coordinated plan of public school development between the District and the City. The District continues to work collaboratively to encourage high quality and safe educational facilities for ALL students within Morgan Hill Unified School District.

The proposed Project site is contrary to these goals, policies, and actions based on the City of Morgan Hill's General Plan and the California Department of Education's guidelines for school facilities. The District requests that the City ensure that Voices College Bound Language Academy minimally follows the same state approval process that the District is required to follow when selecting a site for a school facility.

Please feel free to contact me if you have any questions at 408-201-6087.

Regards,



Anessa Espinosa

Director of Facilities

cc: Steve Betando, Superintendent
Kirsten Perez, Assistant Superintendent Business Services

Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [D. Muirhead](#)
To: [Joey Dinh](#)
Subject: Comment Voices Charter School Project Initial Study
Date: Monday, 30 September, 2019 5:58:11 AM

Dear Project Planner Dinh,

Re: Voices Charter School Project, Initial Study, August 2019

Comment #1:

Section 4.X. HYDROLOGY AND WATER QUALITY, Figure 11: Stormwater Control Plan, identified 58,248 square feet of pervious surface that will be replaced with non-pervious surface.

Concrete accounts for 35,887 square feet,
 Roof for 19,275 Sf, and
 Landscape for 3,086 square feet.

Only Water Quality is the subject of the analysis of impervious surfaces. Nowhere in the Initial Study is a discussion of heat island effects caused by these new impervious surfaces.

Section 4.XXI. MANDATORY FINDINGS OF SIGNIFICANCE says
 "Development of the proposed project would not be expected to result in substantial adverse impacts to human beings, either directly or indirectly."

I would like to see cool surface technologies (such as reflective surfaces for pavement and roofs) used for this project. Two-thirds of currently undeveloped project land adjacent to a stream and trail will be creating new heat impacts.

Thank you for your consideration,
 Doug Muirhead, Morgan Hill

The public review period ends on September 30, 2019 at 5PM.
 Comments for the project should be addressed to the project planner:
 Joey Dinh <joey.dinh@morganhill.ca.gov>.

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From: [D. Muirhead](#)
To: [Joey Dinh](#)
Subject: Comment #2 Voices Charter School Project Initial Study
Date: Monday, 30 September, 2019 12:16:58 PM

Dear Project Planner Dinh,

Re: Voices Charter School Project, Initial Study, August 2019

Comment #2:

[EIR reference text start]

2.2 Project Components

Landscaping and Open Space

The western portion of the site within the existing temporary construction easement, as well as a 35-foot-wide buffer east of the easement required by the Santa Clara Valley Habitat Plan (SCVHP), would be planted with native riparian vegetation and retained as open space. A meandering five-foot-wide interpretive trail consisting of decomposed granite would extend southward from the parking lot, through the proposed open space area, and curving eastward at the southern site boundary. A perimeter fence or wall would be provided along the length of the northern and western site boundaries.

[EIR reference text end]

Figure 3 Site Plan identifies the 35 foot wide riparian setback as being east of the property line.

Figure 9 Landscape Schematic Master Plan identifies the fence or wall as being at the property line.

How far from the stream top of channel is the fence or wall?

The riparian setback area to be used by wildlife should not be blocked off by a fence or wall.

Thank you for your consideration,
 Doug Muirhead, Morgan Hill

The public review period ends on September 30, 2019 at 5PM.
 Comments for the project should be addressed to the project planner:
 Joey Dinh <joey.dinh@morganhill.ca.gov>.

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Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [James Levis](#)
To: [Joey Dinh](#)
Subject: Voices Charter School Conditional Use Permit
Date: Monday, 30 September, 2019 8:49:19 PM

Dear City of Morgan Hill, Development Services Department:

I am writing this letter because I am deeply concerned about the proposed Re-Zoning of the 2 acre lot on Monterey Ave for the Voices Charter School through a Conditional Use Permit.

I believe that schools should be planned in areas that make sense. I do not believe that this small site on Monterey is adequate for a 600 student school. I also do not believe that it adheres to the City General Plan. There are many problems that I see with the proposed site and how they do not support the general plan or are a benefit to the City of Morgan Hill or students within the MHUSD.

To mention only a few problems:

I. One of the Cities Goals is Policy HC-1.2: To Coordinate School Development.

-Work with MHUSD to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.

1. The City and MHUSD have worked together to identify appropriate school sites throughout the MHUSD boundaries. I believe that the key work in the goal is "appropriate". This site is not appropriate.
2. The proposed site is not in an area designation by the District and City as an appropriate location for a future facility.
3. This location is currently zoned as mixed use-flex (MU-F). Mixed use is not designed to be used for a school. We should not be giving away commercial land to a school.

II. A second goal of the city is Policy HC – 1.8: Park Coordination:

-Work with MHUSD to locate parks and schools together to optimize their use as a community facility (South county Joint Area Plan 4.10)

1. This plan is not located near a City Park or other community facilities.
2. There is no agreement between MHUSD and the City for joint use of the Morgan Hill Community Park.

III. A third city goal is Policy HC-1.3: Quality Educations.

-Cooperate with the City of San Jose, Santa Clara County, and the MHUSD to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the population served.

1. The City and MHUSD have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public
- 2.

The proposed site would place a large number of students on an overcrowded school site.

3. The site is a fraction of the size of school recommended by the CDE.
4. CDE recommends specific grade levels using the rule-of-thumb-approach i.e. Elementary schools are minimally five (5) acres plus an additional acre for every 100 students of the predicted ultimate enrollment.
5. VOICES is proposing a 600 student, 2 acres. Campus. CDE standards requires a minimum of 11 acres.
6. Two (2) acres as a proposed site is 20% of the size campus recommended by the CDE
7. The City and MHUSD would need a joint use agreement to guarantee use of the Morgan Hill community Park to ensure students have access to adequate play fields for PE and recess.
8. CDE approval is not provided with the Conditional Use Applications. Upon investigation MHUSD contacted the CDE'S School Facilities Planning Division: It was reported to MHUSD that "NO FIELD REPRESENTATIVE HAS VIEWED THE SITE OR PROVIDED A WRITTEN EVALUATION ON ITS SUITABILITY AS A SCHOOL SITE." It is highly suggested this approval be obtained prior to city approval of this project.
9. The proposed site is located on a very busy street with little regard to the safety of the students at the site or to the traffic affect on Monterey.

These are just a few of the many reasons that the Conditional Use Permit for the Voices Charter School should be denied. Schools are vital to the life blood of Morgan Hill and the thoughtful planning and location of all schools is paramount to the continued success of all students within the MHUSD boundaries. I appreciate your thoughtful consideration of this proposal the strongly urge you to vote no on the Conditional Use Permit for the Voices Charter School on Monterey Road.

Sincerely,
 Jim Levis
 Morgan Hill Resident
 Parent, Teacher, and
 President of the Morgan
 Hill Federation of Teachers

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personally identifiable information should not be transmitted to this user. For question, please contact the Morgan Hill IT Department by opening a new helpdesk request online or call 408-909-0055.

From: [Olivia Osorio](#)
To: [Joey Dinh](#)
Subject: Buenos días...mi nombre es Olivia soy madre de dos niños en Voices B-L-A yo apoyo la contrición de la escuela porque a mis dos niños la escuela les encanta y su educación está progresado muchísimo...muchas gracias
Date: Sunday, 29 September, 2019 3:03:53 PM

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Good morning ... my name is Olivia I am the mother of two children in Voices B-L-A. I support school construction because my two children love school and their education is progressed a lot ... thank you very much

From: [Basilisa Vasquez](#)
To: [Joey Dinh](#)
Subject: Important
Date: Thursday, 26 September, 2019 12:30:16 PM

Mi nombre es Basilisa ..soy una madre en voces college-Bound Language Academy. Para mi voces....es una institucion que forma parte de una gran familia donde nos apoyan, donde hay unidad y respeto mutuo...y tambien la importancia de los valoresyo apoyo la construccion de la escuela porque nos lo merecemos....ya es tiempo de ir al siguiente nivel hay muchos niños en cada grado y a base de eso se ocupa una institucionpor eso le pedimos que se realice la construccion de la escuela...finalmente nuestras preguntas son.....cuanto tiempo dedemos de esperar?muchas gracias que pase bonita tarde..

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My name is Basilisa

I am a mother in Voices College-Bound Language Academy. For me Voices is an institution that is part of a large family where they support us, where there are unity and mutual respect, and also the importance of values. I support construction of the school because we deserve it. It's time to go to the next level there are many children in each grade and based on that an institution is occupied. That is why we ask you to make the construction of the school. Finally our questions are, how long before we stop waiting? Thank you very much have a nice afternoon.

September 25, 2019

Mr. Dinh
Project Planner
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Dear Mr. Dinh,

My name is Joanna Ixta and I am writing in support of the proposed plan to build a permanent facility for the Voices College-Bound Language Academy at Cosmo and Monterey. Josiah, the “sonshine of my life,” has attended Voices for over 3 years now. He is my only child and his education is very important to me, which is the reason I chose to send him to this charter school, though I live directly across the street from another good school.

Voices has had many obstacles to overcome in Morgan Hill. The most challenging has been finding a location to build a facility we can call our own. It seems that we have finally found an option that works. Though some may argue that the area might not be the safest location for a school, I think an educational facility in that area would be an advantage to the community and definitely would be much more appealing to the eye than a dry grass field or additional housing. Voices families take pride in our school and I know they would do their best to keep the area clean and safe for students and the community.

To conclude, I hope with all my heart, that the planning commission can help our Voices family move forward with a “forever home.” If it not be this location, I plea for you to help us find one.

Thank you for your time and consideration.

Sincerely,

Joanna Ixta

Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

September 25, 2019

Joey Dinh
Project Planner
City of Morgan Hill
1575 Peak Avenue
Morgan Hill, CA 95037

RE: Voices at Cosmo/Monterey

Dear Mr. Dinh,

My name is Kathy Ixta and I support the building of Voices College-Bound Language Academy at Cosmo and Monterey. My grandson has attended Voices Academy for over 3 years and he is very happy going there. He has had to adjust to two different locations since attending the charter school because the school has faced many challenges in finding a permanent location.

The current proposed location will work well with the current students and with the increasing population of Morgan Hill. Please move forward with the building of the school for Voices.

Sincerely,


Kathy Ixta

DEVELOPMENT
SERVICES
OCT 01 2019
CITY OF MORGAN HILL

Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: +18317109948@mymetropcs.com
To: [Joey Dinh](#)
Date: Saturday, 28 September, 2019 12:19:05 AM
Attachments: [text_1569655015025.txt](#)

Me gustaria que voces tuviera un lugar donde estabreserse por que es una escuela muy buena

I would like Voices to have a place to stay because it is a very good school.

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From: [Mar Vazquez](#)
To: [Joey Dinh](#)
Date: Monday, 30 September, 2019 8:18:42 AM

Buenas días mi nombre es Marina Llamas soy un padre de Voices College-Bound Language Academy. Para mi Voices es un lugar que apoya académicamente a mis hijos, además de la seguridad qué hay en este lugar es inigualable, por esto y mucho más apoyo ala construcción de la escuela ya que nuestros hijos tendrían un mejor lugar para aprender. Al otorgarles el permiso para las instalaciones es algo que ayudará a mis hijos a futuro y a muchos más estudiantes alcanzar sus metas académicas.

Gracias por su tiempo,
Atentamente
Marina Llamas

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Good morning my name is Marina Llamas, I am a father of Voices College-Bound Language Academy. For me, Voices is a place that supports my children academically, in addition to the security what is in this place is unmatched, for this and much more, please support to the construction of the school since our children would have a better place to learn. By granting them the permission for facilities is something that will help my children in the future and many more students reach their academic goals. Thanks for your time.

Sincerely,
Marina Llamas

From: [Laura Cervantes](#)
To: [Joey Dinh](#)
Date: Sunday, 29 September, 2019 6:50:05 PM

Hola buenas tardes mi nombre es Laura Cervantes soy un padre de voices college-bound
 lmLanguage Academy.. quiero compartir mi experiencia en la escuela.. estamos muy
 contentos que mi hija sea parte de VOICES. El sistema y la manera que guían a los alumnos es
 muy buena. Pero estará mejor si aprobaran que se construya instalaciones.. así los alumnos
 tendrán más espacio y deseo que la escuela crezca y que haiga VOICES por muchos años.
 Gracias por recibir mi mensaje

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Hello good afternoon my name is Laura Cervantes I am a father of college-bound
 Voices Language Academy. I want to share my experience at school. We are very
 glad my daughter is part of Voices. The system and the way they guide students is
 very good. But it will be better if they approve that facilities be built so the students
 they will have more space and desire for the school to grow and to make Voices for
 many years.
 Thank you for receiving my message.

From: [Cesar Marrujo](#)
To: [Joey Dinh](#)
Date: Friday, 27 September, 2019 12:09:25 PM

My name is Cesar Marrujo, I'm a parent at Voices College_Bound. My son is very happy the opportunities for building a new facility with better resources of education and space for sports. That is why I support building the school.

Thanks

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From: [Samuel Aguilar](#)
To: [Joey Dinh](#)
Date: Friday, 27 September, 2019 7:33:07 PM

To who it may concern,

I just wanted to let you know why we would like voice to have their own location. We really appreciate the school because it's bilingual. I have a mindset that it's good for anybody to know more than one language, for their future as well . Not only that but Voices makes you feel like you're part of something, the staffs are always very welcoming and treat all the kids as family. As a parent since it's a smaller school and the ratio to the teacher is smaller and there is more chances the teacher pay more attention to each and every kid since I believe there's two in every class . I also wanted to point out how I myself feel really happy that my child is being taught values. The is something that as a parent it's our job to but Voices teach them the value of life for the future, school wise they are very patient and work with each kid on their way of learning since everyone learns differently . We really hope you guys can support with this valuable school .

Thank you

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From: [sally cermeno](#)
To: [Joey Dinh](#)
Date: Friday, 27 September, 2019 11:15:48 AM

Dear Mr. Dinh

My name is Sally Cermeno. I am a parent at Voices College-Bound Language Academy. Voices is a charter school which has provided support for my son, who is a student with a communication delay. This school has provided direct care for my son to enhance his learning all while staying in the classroom, which is part of there inclusion program.

I support the building of the school so Voices can grow and serve its students to the best of their abilities. This would also provide a permanent facilities where my son can continue his education until the 8th grade. That's why I vote yes on the new building.

Sincerely,

Sally Cermeno

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From: [niky.paredes](#)
To: [Joey Dinh](#)
Date: Friday, 27 September, 2019 2:47:44 PM

Dear Mr. Dinh

My name is Nicole Lopez. My dear friends children(who are like family to me) attends Voices College-Bound Language Academy. Voices is a dual immersion charter school which has provided my friends children with a challenging and community based education environment.

I support the building of the school so Voices can grow and serve its students to the best of their abilities. This would also provide a permanent facilities where their children can continue their education until the 8th grade. Stability is the only thing that is needed to continue Voices' mission in providing excellent education, a community environment (In Lak'ech) and Yes I Can (Se Su Puede) attitude. That's why I support the new building for Voices College Bound Language Academy.

Sincerely,
Nicole Lopez

Sent from my iPhone
Sent from my iPhone

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From: [finitas12875](#)
To: [Joey Dinh](#)
Date: Sunday, 29 September, 2019 9:20:44 PM

Me llamo. Josefina hernandez

Soy un padre en voces collage yo apoyo la construcción de la escuela porque para mi es muy importante tener una escuela propia para mi hijo y como para todos los estudiantes les pido xfavor que nos ayuden a lograr los sueños de los estudiante ..ellos merecen tener una escuela propia donde ellos puedan a ser sus actividades xfavor ayúdanos a lograr el sueños de todos los niños de voces ellos se lo merecen..

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My name is Josefina Hernandez

I am a father in Voices College. I support the construction of the school because for me it is very important to have my own school for my son. And for all students I ask please help us achieve student dreams, they deserve to have a school own where they can be your activities. Please help us achieve everyone's dreams. The children of Voices deserve it.

From: [Laura Zambrano](#)
To: [Joey Dinh](#)
Subject: Me llamo laura zambrano
Date: Tuesday, 1 October, 2019 11:27:27 PM

Soy una madre en voces college-bound language academy.
 Voices es Una escuela muy importante para mí y mi familia.
 Yo apollo la construcción de la escuela,
 por que es importante que nuestros hijos puedan tener un lugar mas seguro amplio y estable.
 Por eso. me gustaría que escuchen la voz de todos los padres que deseamos lo mejor para
 nuestros hijos.(@) dando el permiso en construir la nueva escuela. deseando que les den la
 oportunidad a nuestros hijos(@) De poder asistir a una de las escuela como voces. endonde
 les están enseñando lenguaje Como dos idiomas. que son importantes en este país. y ellos
 como estudiantes emprendedores y futuros trabajadores. puedan tener la oportunidad y el
 prebilejio. de lograr poder hablar dos idiomas desde aora que stan pequeños. (Gracias)

[Enviado desde Yahoo Mail para Android](#)

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I am a mother in Voices College-Bound Language Academy.
 Voices is a very important school for me and my family.
 I support the construction of the school, because it is important that our children can
 have a safer place more spacious and stable.
 Therefore, I would like you to hear the voice of all the parents that we wish the best
 for our children & giving permission to build the new school. Looking forward to the
 opportunity for our children & to be able to attend one of the schools as Voices,
 where they are being taught language as two languages. They are important in this
 country and them as entrepreneurial students and future workers, they can have the
 opportunity and the privilege of being able to speak two languages from when they
 are small. (Thank you)

From: [Antonia Garcia](#)
To: [Joey Dinh](#)
Cc: antoniagarcia47@icloud.com
Subject: Mi nombre es Antonia Garcia yo vivo en la comunidad de Morgan hill yo apoyo la escuela de Voices college bound language Academies por yo tengo una niña por dos años en ese lugar y para mi es extraordinario ella se a desarrollado muy bien me encanta sus...
Date: Thursday, 26 September, 2019 2:55:03 PM

Enviado desde mi iPhone

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My name is Antonia Garcia. I live in the Morgan Hill community. I support Voices College Bound Language Academies. For me I have a girl for two years in that place and for me it is extraordinary she is a developed very well.

From: [Karla Solorzano](#)
To: [Joey Dinh](#)
Subject: Mother of voices student
Date: Thursday, 26 September, 2019 3:58:39 PM

Traffic is a point but as many people go around those licors stores o any place will be consuming too would created opportunity to grow any spandex
Karla solorzano

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From: [nohemi.orduno](#)
To: [Joey Dinh](#)
Subject: muy bendecido dia;;; para usted sr. joey
Date: Monday, 30 September, 2019 8:41:20 AM

me he informado que usted es el encargado de los proyectos de morganhill es un honor para mi..contactar con usted por este medio.

una de las cosa que quisiera que usted tomara muy encuesta para la peticion que estamos haciendo desesperadamente los padres de familia de la escuela VOICES es tener un lugar seguro donde nuestros hijos puedan tener todas las cosas necesarias para desarrollar su aprendizaje y su tiempo de diversion....eso solo lo podriamos lograr teniendo un espacio TOTALMENTE NUESTRO el cual se adaptaria segun las necesidades que nuestos hijos necesitan para desarrollarse.hay una frase la cual dice
 EL SABER DE MIS HIJOS HARA MI GRANDEZA.y yo creo que solo asi tendremos un futuro diferente para nustrros hijos y por lo tanto en nuestra comunidad.solo le pido a DIOS que le de direccion correcta al tomar desicion sobre esta peticiones .que su dia se excelente y que DIOS nos bendiga a todos.quedo a sus ordenes para cualquier comentario.
 nohemi orduno 408 722 2959

Enviado desde [Outlook](#)

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I am informed that you are in charge of Morgan Hill projects.
 It is an honor for me to contact you by this means.
 One of the things that I would like you to take into account for the request is that we are desperately doing the Voices school parents is having a place where our children can have all the necessary things to develop their learning and fun time. We could only achieve that by having a space fully our own which would adapt according to the needs that our children. They need to develop. There is a phrase which says
 THE KNOWLEDGE OF MY CHILDREN WILL MAKE MY GREATNESS and I believe that only in this way will we have a future different for our children and therefore in our community. I only ask GOD to give him correct direction when making decisions about these requests. May your day be excellent and may GOD bless us all. I remain at your service for any comments.

From: [Alondra Lemus](#)
To: [Joey Dinh](#)
Subject: Muy buenas tardes el motivo de mi msj solamente es que nos ayuden a dejar la nueva instalación para nuestra escuela voces los padres de nuestra escuela siempre esos sabido respetar nuestros niños niños necesitan una escuela propia de la manera más ate...
Date: Friday, 27 September, 2019 12:40:10 PM

Good afternoon, the reason for my msj is only to help us leave the new installation for our school Voices. The parents of our school always those known to respect our children. Children need a own school in the most attentive way.

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From: [Ailine Villa Bocanegra](#)
To: [Joey Dinh](#)
Subject: My opinion on the building of the school Voices
Date: Sunday, 29 September, 2019 6:02:39 PM

Hi Mr Joey my name is Ailine villa and I'm the sister of one of the students that attend the school Voices. I support the building of the school because Voices is such an amazing school, my brother comes home from school very happy and he loves telling me about his day at Voices and he also tells me what he learned that day. From what I've seen the staff is very well organized and very kind. I also love that the school teaches students English and Spanish, which in my opinion will come in handy in there future. I also like the time they go in and get out because it leaves me some time alone to get to do my homework and whatever I need to get done. Therefore I see no reason why they shouldn't let them build the school Voices
Sincerely, Ailine villa

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From: [jorge.garcia](#)
To: [Joey Dinh](#)
Subject: New Voices Charter School
Date: Monday, 30 September, 2019 8:13:51 AM

My name is Jorge A Garcia

I am a grandfather of 2 students at Voices College-Bound Language Academy.

I believe in this school and it's philosophy. One of my grandsons is now 8 yrs. old. He's attended since kindergarten and has been taught very well.

He is fully bilingual now (starting out 3rd grade) and his academic and his comprehension level is quite high in both languages.

Now his brother starting out in kindergarten and I see the same pattern repeating. He loves it too.

Both boys are very enthusiastic about learning at this school and they have very good attitude in general. Staff are very good also.

As a visitor I notice the same good attitude and enthusiasm among other students, which in my opinion is a very good testament for the school.

I beg you to please approve the building of a permanent site for this school, they've been working hard to build it up and deserve a permanent site now.

I am sure it will be a good investment for the city and community in general.

Thank you

Jorge A Garcia
915-727-4649

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From: [Brad Starks](#)
To: [Joey Dinh](#)
Subject: New Voices School!
Date: Tuesday, 24 September, 2019 3:13:08 PM

I wanted to write and say that I am over the moon excited for the new proposed location of the Voices Elementary School! I love that the city is embracing charter schools and giving options to parents in the community.

I hope to see this location developed and look forward to sending my kids there in the future!

--

Thanks,
Brad

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From: [Lesly Soto](#)
To: [Joey Dinh](#)
Subject: Permanent Facilities for Our Students: VOICES Morgan Hill
Date: Friday, 27 September, 2019 10:41:54 AM

Storybook



Good Morning Mr. Dinh,

I hope this email finds you well and that you are having a good Friday thus far. We are the parents of a student at VOICES. This is our first year in attendance and have noted the current space, though practical is not the best for our kiddos. Knowing this we

are excited to learn there is an opportunity for the students to move to a structure that will resemble the layout of a typical school, which I am sure will enhance the learning process.

It is also our understanding that there is some opposition to this from the surrounding neighbors. To be honest I am not surprised-when isn't there opposition to change. To speak frankly we too, live down the street from an Elementary school, and know firsthand what that can be like. But in all honesty, it's not as bad as one always tends to imagine. We rarely experience traffic delays, and for the most part cannot even tell there is a school there noise wise. And to be quite frank, a school should be a promising asset to a neighborhood, I mean don't we want our kids to receive a great education? And better yet learn a secondary language in the process? These are not things that I would be opposed to.

Currently the staff and the administration at VOICES does an excellent job in controlling traffic during drop-off and pick-up hours. We should know since we are dealing with this aspect firsthand. I think our children deserve a space that is similar to that of schools built by the school districts. I hope this vote will go in our favor. We are not asking for a big box store to come and invade a space, we are asking for a space that will in the long run benefit us all-education should not be dismissed, it is an important asset that improves our communities and the lives of our future generations.

Thank you for your time!
Have a wonderful day and weekend.

Best,
The Bright Family

"Success isn't about how much money you make, it's about the difference you make in people's lives!"
Michelle Obama

Storybook



[Yahoo Mail Stationery](#)

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From: [Daniela Ortiz](#)
To: [Joey Dinh](#)
Subject: Re: VOICES Charter School Project
Date: Sunday, 29 September, 2019 6:21:20 PM

Dear Planning Commission of Morgan Hill:

My name is Daniela Ortiz, and I am the proud mother of a third grader and Kindergartner at Voices Academy, Morgan Hill. My husband, my two boys, and myself are residents of the beautiful city of Morgan Hill and we truly love and enjoy our community. My husband serves in law enforcement and I am in my 18th year as an educator in the public school system in the city of San Jose.

My husband and I made a conscientious decision when we decided to enroll our sons at Voices Academy after researching all of our options. We wanted our sons to experience and thrive in a bilingual academic setting with high standards that prepare all students for higher education, and that is what Voices is doing for my sons.

I am in favor of building the new facilities in the proposed area because our students deserve a permanent place to learn, and Voices is an excellent option for the community of Morgan Hill. My third grader has been at Voices Morgan Hill since Kindergarten, and he has been in two temporary locations during the last four years. All children deserve a permanent place to learn, grow, and play. The new facilities would provide a home to these well deserving students and staff.

The proposed site would be ideal not only for our school community, but also the broader community. A community like Voices Academy that helps: lay a foundation for a love of learning, a "Si Se Puede" attitude ("Yes, I can" growth mindset attitude), appreciation and respect for all heritages, core values of family, love for self and others, and social responsibility for its community, would only help the broader community of the proposed site to flourish and unite!

Voices provides a wonderful opportunity for not only students of Latino background, but for students of all backgrounds to learn a second language and be part of a diverse learning community. Being bi-literate or even multi-literate is so important, especially in today's competitive global workforce. It is a win-win for everyone!

Please permit the proposed site to be our permanent home and allow Voices Academy to become a permanent part of the beautiful, diverse community of Morgan Hill.

With gratitude,

Daniela Ortiz

Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

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From: [Gabriel Ramirez](#)
To: [Joey Dinh](#)
Subject: Re: VOICES CHARTER SCHOOL
Date: Monday, 30 September, 2019 5:09:33 PM

I am a parent at voices college-Bound language academy and will like to express my support to the aforementioned academy to build their much needed new facilities because of their current facilities lack of enough space for the children to develop their full potential to have the opportunity that other children have in our community.

Thanks,

Gabriel Ramirez

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From: [Erika marquez](#)
To: [Joey Dinh](#)
Subject: Support building the school Voices
Date: Friday, 27 September, 2019 12:03:07 PM

My name is Erika Marquez, I'm a parent at Voices College_Bound. My son Valentin attend the school since first grade. We as a family are very happy with the school and the new opportunities for building a new facility with better resources for our son's education. That is why I support building the school.

Thanks

[Sent from Yahoo Mail on Android](#)

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From: [Victoria Iboa](#)
To: [Joey Dinh](#)
Subject: Support for Voices Building
Date: Saturday, 28 September, 2019 12:27:03 PM

Dear Mr. Dinh

My name is Victoria. My nephew, Jace, attends Voices College-Bound Language Academy. Voices is a dual immersion charter school which has provided my nephew with a challenging and community based education environment. Their inclusion program provides 1:1 support in the classroom to help my nephew, who has a speech delay. This positive environment supports his individual needs, all while staying in the classroom. I feel this is an important aspect of developing his self confidence and nurturing his mind.

I support the building of the school so Voices can grow to serve its students to the best of their abilities and foster a continued trajectory in a well rounded education. This would also provide a permanent facilities where my nephew can continue a stable and consistent education until the 8th grade. Stability is the only thing that is needed to continue Voices' mission in providing excellent education, a community environment (In Lak'ech) and Yes I Can (Se Su Puede) attitude. That's why I support the new building for Voices College Bound Language Academy.

Best,

Victoria Iboa

"The best preparation for tomorrow is doing your best today." -H. Jackson Brown, Jr.

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September 25, 2019

Joey Dinh
Project Planner
City of Morgan Hill
1575 Peak Avenue
Morgan Hill, CA 95037

RE: Voices at Cosmo/Monterey

Dear Mr. Dinh,

I am Tallen Gray-Peoples and I am writing in support of the proposed plan to build a permanent facility for the Voices College-Bound Language Academy at Cosmo and Monterey. My son has attended Voices for over 3 years now and I am looking forward to having a school he can really feel like is his.

It has been challenging for Voices to find a location to build a facility they can call their own. It seems that we have finally found an option that works. An educational facility in that area would be an advantage to the community.

To conclude, I support the moving forward with this location to build a permanent school for Voices.

Thank you for your time and consideration.

Sincerely,

Tallen Gray-Peoples

DEVELOPMENT
SERVICES
OCT 01 2019
CITY OF MORGAN HILL

Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [Jesus Zazueta](#)
To: [Joey Dinh](#)
Subject: VOICES
Date: Sunday, 29 September, 2019 10:06:25 PM

Hello,

I was upset of the decision of denying the the location of voices. I would appreciate if you could reconsider the decision especially after all the other new construction being approved in Morgan Hill. This would be a great thing for our community. It's important to invest in the future of our children.

Jesus Zazueta

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From: [Jessica Zazueta](#)
To: [Joey Dinh](#)
Subject: Voices
Date: Sunday, 29 September, 2019 9:52:36 PM

My name is Jessica Zazueta,

I am a parent at voices college-bound language academy, voices is extremely important in our family and child's life. We know and understand the benefits speaking two fluent languages. We love voices because it is preparing our child for a better future and more openings in jobs since our son will have an extra important tool that others may not bring to the table, which is being bilingual.

Voices is very Passionate, like (us) parents about our children attending a university.

We are extremely sadden by the news that voice's proposal was denied. It is a shame that our city of Morgan hill is turning into a place of greed. As a community we cannot understand how new homes, apartments, commercial buildings are being built everywhere and in massive amounts around Morgan hill.

Why are investors given the opportunity to build but a school building gets denied? Is it that it all come down to money? Is it that a school building is not be as profitable as housing or commercial buildings?

Our Public schools are already over populated. A typical class has a ratio of 25-30 students to 1 teacher. With so many houses constantly being built, shouldn't there be more schools being built as well?

We are hopeful that the city council will think deeply about this issue and how important Voices is to all the parents and students.

Thank you.

Jessica Zazueta

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From: [ANGEL SEGUNDO](#)
To: [Joey Dinh](#)
Subject: Voices academies
Date: Sunday, 29 September, 2019 9:54:36 PM

Hola soy un padre de la escuela voces, escribo para pedir su ayuda para que se pueda realizar el sueño de todos los alumnos y padres de voces, de poder construir la escuela y tener el espacio tan necesario para los estudiantes les pido de la manera más atenta para que atiendan y tomen en cuenta esta petición ya que considero que voces es una escuela con mucha calidad educativa que vale la pena conservar y sobretodo apoyar muchas gracias.

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Hello, I am a father of the school Voices, I write to ask for your help so that it can be done the dream of all students and parents of voices, of being able to build the school and have the space so necessary for students. I ask in the most attentive way to attend and take this request into account since I consider that Voices is a high quality school educational worth preserving and above all support. Thank you very much

From: [Steve Guillen](#)
To: [Joey Dinh](#)
Subject: Voices academy
Date: Monday, 30 September, 2019 4:08:54 PM

Good afternoon Mr. Dinh

My name is Steven Guillen I have been a resident of Morgan hill for 17 years and have seen many change over the last 3 years. Many new housing developments have taken place of the many fields of lands. My concern is that with the many new families transplanting to Morgan hill that there not be enough schooling here for all the children. I do understand the housing investment and the revamping of downtown, but the true investment for the future of Morgan hill is education. I have been really impressed with voices program of education. Please consider this for the future of Morgan hill, thank you

[Sent from Yahoo Mail for iPhone](#)

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From: [Jose Ixta](#)
To: [Joey Dinh](#)
Subject: Voices at Cosmo/Monterey
Date: Friday, 27 September, 2019 12:01:39 PM

Dear Mr. Dinh,

My name is Jose Ixta and I support the building of Voices College-Bound Language Academy at Cosmo and Monterey. The children attending the charter deserve a permanent facility to grow in and take pride in. The students have a great "Si Se Puede" attitude and I believe they will take great care of the school and the surrounding area.

That location will work well for a school. There might be some more traffic at certain times of the day, but that is how it is for any school. Including the elementary school I live across from. Usually the drop off and pick up traffic lasts 20-30 minutes. A small sacrifice commuters will have to make for the future of our children.

Please move forward with the plan to build Voices College-Bound Language Academy.

Thank you,

Jose Ixta

--

Jose Ixta

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From: [Gabby Winter](#)
To: [Joey Dinh](#)
Subject: Voices Charter School new location
Date: Thursday, 26 September, 2019 8:42:33 PM

Hello Mr. Dinh,

I hope this email finds you well. My name is Gabriela Winter and I have been a resident of Morgan Hill on and off for the last 30 years and have now chosen to raise my family in this beautiful city. We have also chosen to send our children to Voices Academy and have done so for the last few years. The reason behind this email, as I'm sure you're aware, is to voice my support for the chosen location for our new school.

Voices Academy needs this location to support our growing school community, and to give our children a safe and fun learning environment.

This new space will give our teachers, actual classrooms, not divided by partitions, and space necessary to teach and mold these little minds. We will be able to have an outside playground and a real cafeteria to give our children an enjoyable lunch and recess. And more overall space to offer more to our students and to our community.

Our current space might have been acceptable in previous years, we now have over 200 students and are enrolled up to the 5th grade. As more and more families are choosing our dual immersion program, it's no surprise that we have outgrown our current location.

Dual immersion schools are so important and our school is having a great impact on them and our community.

We need this location,

Our students need this location.

You have an opportunity to change the lives of our students and give them the gift of education in a beautiful new school.

Thank you for your time,

Gabriela Winter

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From: [Maritza Hernandez](#)
To: [Joey Dinh](#)
Subject: Voices Charter School
Date: Monday, 30 September, 2019 3:25:09 PM

Hello Mr. Dinh,

My name is; Maritza Hernandez, I have three children ages 14, 12 and 10. All of my children attended Voices charter school and are now at Live Oak High School, Britton Middle School and Voices Charter at Morgan Hill. We moved to Morgan Hill from San Jose in 2016 to find better education for our family and we have been extremely happy with the Morgan Hill District. My children are thriving in their schools and Voices (in San Jose) was a great foundation for them to be able to be bilingual.

Hence, I support the building of the new Voices campus in Morgan Hill because my children wouldn't be bilingual today if it wasn't for Voices. The teachers and staff at Voices really care for their students just like the teachers at Britton and Live Oak. Why not add more education to our town?

Thank you,

Maritza
(408) 482-8685

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From: letty969.lg@gmail.com
To: [Joey Dinh](#)
Subject: Voices College bound Language Academies
Date: Thursday, 26 September, 2019 3:13:46 PM

Hello mrs Joey Dinh.

Hola mi nombre es Leticia gonzales yo esto estoy apoyando la escuela de voces por que yo tengo in niño en esa escuela y para mi ese escuenla es muy importante mi niño a aprendido mucho gracia s alos maestros y todo el equipo que tiene para mi es muy importante que nos apoyen para que los ninos tengan un lugar para jugar yo en lo personal estoy sorprendida por lo que mi niño sabe mi hija la mayor va a una eacuela de distrito pero yo miro la gran diferencia del niño con ella es muy grande por eso y muchas otras cualidades de esa escuela apoyen que nos apoyen a tener nuestro propio lugar para los niños es pero que nos ayuden en esto gracias.

Sent from my T-Mobile 4G LTE device

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Hello my name is Leticia Gonzales, I am supporting the school of Voices because I have a child in that school and for me that school is very important. My child has learned a lot thanks to the teachers and all the time you have for me is very important to support us so that the children have a place to play. I am surprised by what my child knows, my oldest daughter goes to a district school, but I look at the big child's difference with her is very great for that and many other qualities of that school support her. To have our own place for children is but help us in this thanks.

From: [James Cuevas](#)
To: [Joey Dinh](#)
Subject: VOICES college bound language academy
Date: Sunday, 29 September, 2019 9:14:05 PM

To Whom It May Concern:

I am a parent at Voices College-Bound Language Academy in Morgan Hill. I cannot express how grateful and pleased I am with the education my daughters have and continue to receive. The teachers have shown how invested they are in our children's learning by providing all the assistance they may need. What we really love the most about Voices is that our home language is incorporated in the curriculum; this means that our children are able to continue learning their primary language which is something that often is forgotten. The school needs a permanent location because I believe that Voices would continue to grow and help more children in our community. Having this permanent location would allow the children to have more space, a bigger playground, bigger classrooms, and a place that they can call their own. That is why I support the construction to the new location of Voices. Give our school and our children the space that they deserve!

Thank you.

Best regards,

Jaime Palominos

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From: [Elizabeth Hermosillo](#)
To: [Joey Dinh](#)
Subject: Voices College-Bound Academy
Date: Monday, 30 September, 2019 3:34:06 PM

Dear Mr. Dinh,

My name is Elizabeth Hermosillo and I am the proud parent to a now Kindergartener who attends Voices Academy.

My son first had the opportunity to attend Voices College-Bound Academy as a Transitional Kindergartener in the 2018-2019 school year. Not knowing well if this school would be only temporary, we still took our chance on Voices because we as parents, want to see our children flourish and I knew Voices could provide that and so much more. Let me tell you Mr. Dinh, one year in and I am not at all disappointed! If anything my expectations have been met and exceeded! Now that the opportunity has arose to quite literally, dig our roots into this city of Morgan Hill and build a permanent dual immersion facility for this generation and future generations to thrive, I would just like to say the following:

As a born and raised member of this compassionate and beautiful city of Morgan Hill, I cannot express to you enough how much joy and pride I have within me to know that one day, my son will be able to extend his help to those that cannot help themselves. To those that cannot be heard and that are often misunderstood because English is not their first language.

Voices not only shows my son a sense of family and belonging but also teaches him what it is to be a kind person to not only those around him but to himself as well. They instill in him the belief that everyone has something valuable to contribute no matter how small they may be. They light a fire within these children, our future, that teaches them that the sky is the limit with their "Si Se Puede!" attitude. I highly support the building of this school because in my opinion, it is just the right mix of intellectual, compassion and drive that our children and their children to come needs.

That is why I am asking you today Mr. Dinh to please help us welcome a permanent Voices College-Bound Academy facility to our city of Morgan Hill. Not to mention, today is my son's birthday and I know he would LOVE to know that Voices will be here to stay!

I appreciate your time today, Mr. Dinh. I hope you see it within yourself to approve the building of this school.

Kind Regards from a very proud mother,
Elizabeth Hermosillo

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From: [Sophie Jaime](#)
To: [Joey Dinh](#)
Subject: Voices College-Bound Language Academies Morgan Hill
Date: Monday, 30 September, 2019 10:26:09 PM

Joey Dinh,

My name is Sophie Jaime I am a parent at Voices College-Bound Language Academy. This is our first year at Voices and it has been amazing for my son and our family. The facility has been nothing but caring and ready to help at any point. My son was very unconfined at the previous school he attended. They also taught the students Spanish. My son never wanted to go to school and like i said previously his self confident was decreasing. I had to make a change. I heard about Voices from a few parents that have attended and they loved it. So i decided to place my son at Voices. Since my son has started Voices he has gained more confidants and i don't really have problems with getting him to school in the morning. As a mother the is great! This is all because he feels confident walking in to an environment that feel like family. The facility never skips a beat. What i mean by that is, the students are always greeted and have smiles on there faces. My son has made some new friends and love his teacher. When I as a parent have any questions or concerns they are open to meet and talk right away. I feel very confident as a parent that my son is in good hands and the facility are great assets to the school and to our community. I defiantly support the building of a school for Voices this will not only be good for the students but it also will be good for the community to gain what we have already and that is a scene of togetherness, family, and the common goal is the children, for them to succeed. This building will add so much to the school and what they have build as a community in its self. Benefits for the children, their families and staff as well. Class rooms, a field and play ground to play on and run around, lunch room multi purpose room etc. I can go on and on on how this is so important and such a great opportunity for this school. All students deserve this and I hope that Voices climbs up this mountain and get to the other side to our new school its well deserved.

Best,
Sophie Jaime

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Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [Susana Perez](#)
To: [Joey Dinh](#)
Subject: Voices College-Bound Language Academies
Date: Friday, 27 September, 2019 5:21:39 PM

Me llamo Susana Perez

Soy un padre en Voices College-Bound Language Academy. Voices es una nueva escuela que les da la oportunidad a los alumnos de poder hablar dos idiomas, la cual a mi me parece excelente. La atención y la enseñanza que le dan a cada alumno para aprender y es algo bueno para un futuro mejor.

Yo apoyo la construcción de la escuela, porque se necesita más espacio y para que los alumnos puedan tener un lugar donde puedan hacer sus actividades al aire libre.

Por eso es importante que den la oportunidad de construir una nueva escuela y hacerse reconocer.

Actitud

Si se puede!

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My name is Susana Perez

I am a father at Voices College-Bound Language Academy. Voices is a new school that it gives students the opportunity to speak two languages, which seems to me excellent. The attention and energy they give each student to learn and is a good thing for a better future.

I support the construction of the school, because more space is needed and so that students can have a place where they can do their outdoor activities.

That is why it is important that they give the opportunity to build a new school and become recognized.

Attitude

Yes you can!

From: [charmaine](#)
To: [Joey Dinh](#)
Subject: VOICES College-Bound Language Academy Morgan Hill
Date: Friday, 27 September, 2019 11:07:04 AM

Dear Mr. Dinh,

My name is Charmaine Verador. My family and I live in Morgan Hill and my two sons were fortunate to have been accepted at VOICES College-Bound Language Academy of Morgan Hill this school year. Having moved from San Jose, we are happy to have found a great school that provides high standards of education-one of the best in the bay area. The faculty and staff work really hard on a daily basis to cater to the needs of the students. For a month now since school started, my husband and I can see the big difference brought about by their teaching methods and holistic approach. For example, being of Filipino heritage we do not speak Spanish at all and through VOICES, my children are now enthusiastically learning to speak the language. We can see big improvement in a short period of time. I am sure that all the families of the children going to VOICES feel the same way we do.

I support the building of the school because it will provide a better learning environment for the students. A bigger school will accommodate more students. Having a permanent facility will not only allow the school to grow but our community as well. Our children are our future, please give them a chance through VOICES.

Thank you.

Sincerely,

Charmaine Verador

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From: klroller@mac.com
To: [Joey Dinh](#)
Subject: Voices College-Bound Language Academy
Date: Monday, 30 September, 2019 11:39:52 AM

Dear Mr. Dinh,

My name is Kerry Roller. My grandson attends Voices College-Bound Language Academy.

Voices is a dual immersion charter school which has provided my nephew with a challenging and community based education environment. This inclusion program provides 1:1 support in the classroom to help my grandson, who has a communication delay.

This positive environment supports his individual needs, all while staying in the classroom. I feel this is an important aspect of developing his self-confidence and nurturing his mind.

I support the building of the school so Voices can grow and serve its students to the best of their abilities.

This would also provide a permanent facility where my grandson can continue his education until the 8th grade.

Stability is the only thing that is needed to continue Voices' mission in providing excellent education, a community environment (In Lak'ech) and Yes I Can (Se Su Puede) Attitude.

That's why I support the new building for Voices College Bound Language Academy.

I hope we can count upon your support.

Sincerely,

Kerry L. Roller
2009 Ashburton Way
Mt. Pleasant, SC 29466

klroller@mac.com
Cell: 408 722-0419

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Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

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From: [Andrea Palominos](#)
To: [Joey Dinh](#)
Subject: Voices College-Bound@morganhill.ca.gov
Date: Sunday, 29 September, 2019 8:47:57 PM

To Whom It May Concern:

My name is Andrea Palominos, I am a parent at Voices College-Bound Language Academy. I am writing to support the construction for the new location that would become the permanent home to our school. My children have been attending Voices for the past 3 years and we are extremely pleased with the education they have received at this school. My oldest daughter has received Principals Honor Roll for two grade levels all because of the dedication the teachers show the children. The curriculum is age appropriate and is plan accordingly to help every child succeed in their developmental level. If when the children do need extra assistance, the teacher the staff and parents all come together to help this child to reach full potential. Voices has not only created a community, it has created a family. Everyone comes together to plan events to help the school in any way possible. My children use to to attend a different school within a school district, and as a parent volunteer I have notice the difference in parent involvement. At Voices parents feel welcome and they are able to communicate with ease with the teachers and staff, there is no language barrier that affects that communication, their cultures are celebrated and embraced. For this reason, a great number of parents are involved at Voices compared to other schools I have experienced. This helps children succeed more in school and it has helped my children in every way possible.

That is the reason why I am writing to you because I want my children and all other children at Voices to continue receiving the education they need at this wonderful school that deserves it's permanent location. The children deserve to have a place where they can continue their education with a more open space, a playground, room for other beneficial necessities the school may need. I ask you to please consider mine and other testaments in hope that you will see how this is very important to us. We will continue to support Voices with anything it may need because we believe in their philosophy, we believe in their dedication, and we believe in their determination they have for our children to succeed. Please give our school, our family, our community the home that it needs.

Thank You.

Best regards,

Andrea Palominos

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Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [esperanza.covarrubias](#)
To: [Joey Dinh](#)
Subject: Voices Morgan Hill
Date: Friday, 27 September, 2019 3:58:03 PM

Hello,

Our kids deserve to have a nice school building please allow voices to build a school in Morgan Hill.

Thank you

Esperanza Covarrubias

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Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [Alicia Velasco](#)
To: [Joey Dinh](#)
Subject: Voices Morgan Hill
Date: Thursday, 26 September, 2019 4:36:32 PM

Buenas tardes Joey,

Me llamo Alicia Velasco y Alberto George somos padres en voices college bound language academy.

Voices es para nosotros la escuela más importante ya que mis niñas an estado en 2 diferentes y está escuela es Donde tienen un alto rendimiento académico tanto como la educación y en la enseñanza académica los valores y respetos.

Por eso es importante que la escuela tuviera su propio espacio. Para que los niños no se estén moviendo ya que la escuela está creciendo muy rápido y los espacios son pequeños.y ocupan espacios más grandes para que puedan jugar. Y sea más productivo para los niños.

Muchas Gracias por su apoyo .

Sent from my iPhone

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Good afternoon Joey,
My name is Alicia Velasco and Alberto George are parents in Voices College Bound Language Academy.
Voices is for us the most important school since my girls have been in 2 different and this school is where they have high academic performance as well as education and in academic teaching the values and regards.
That is why it is important that the school has its own space. So that children are not moving since the school is growing very fast and the spaces are small and occupy larger spaces so that they can to play. And be more productive for children.
Thank you very much for your support

From: [Ana Arevalo](#)
To: [Joey Dinh](#)
Subject: Voices Morgan Hill
Date: Saturday, 28 September, 2019 1:30:28 AM

To whom it may concern

Hello my name is Ana Arevalo

My daughter attends voices academy in Morgan Hill and she loves it's their is not a day where she comes home excited about her day at voices every afternoon when I pick her up she always has something new to tell me just seeing how exited she is when she telling me how it was at school make me remember when I was here age and this is why i ask you please to allow the new property so they could build the school and the kids could have an outside playground and more room in their class room please have it under consideration.

Thank you I'm advance

Sent from my iPhon

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Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [Kristin Harman](#)
To: [Joey Dinh](#)
Subject: Voices Morgan Hill
Date: Saturday, 28 September, 2019 12:32:29 PM

I am writing to express my support of Voices Morgan Hill. This school is serving a population of Morgan Hill that MHUSD is not adequately educating. The families who have chosen this school are happy to be part of the Voices community. They deserve a school site to call their own.

If there is not a chance that the school can be built at the proposed Cosmo site, I would expect the city to find an adequate alternative.

This has been a difficult week between the paving projects and the Evergreen project beginning and the other planned distribution centers. I find myself loathing this city that I have called home for the past 17 years. Helping Voices would show that the city actually cares about its residents and their needs.

Thank you for your consideration,

Kristin Harman
17782 Calle Central
Morgan Hill

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From: [Martha Lopez](#)
To: [Joey Dinh](#)
Subject: VOICES MORGAN HILL
Date: Friday, 27 September, 2019 11:41:45 AM

Hi my name is Martha Lopez,

I am a Voices parent at Morgan Hill. I have two kids there, a 4th grader and Kindergarten, they are doing great at school, they love Voices. I've been with Voices for 5 years already!

Voices for me has been a great place, not only has been a school for my children but also a great home for them since they spend more than half of the day at school than at home.

I support the construction of the school because I believe in the potential of the school and academically it has shown all parents that they are excellent, they deserve a school in our community to give more opportunities to more students to prepare in a better place.

That is why we ask for your help with the idea of approving the construction of our school because it is the future of our students it would be a great pain for them to lose their school in which they feel at home.

Thank you!
Have a great weekend :)

Regards,
Martha

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From: [Alex ortiz](#)
To: [Joey Dinh](#)
Cc: mrsortiz78@gmail.com; [Juan Carlos Villaseñor](#)
Subject: Voices new campus
Date: Sunday, 29 September, 2019 10:03:02 PM

Salutations,

My name is Alejandro Ortiz Sr. I wanted to take a few minutes of your time in regards to the Voices Campus project. My two sons currently attend Voices, and by our estimates are learning wonderfully. I don't have to remind you that the school is a Spanish Immersion community.

I would like to remind you how this school truly embodies the word "Community". The school serves not only Latino families but other families that are seeking a higher level of education for their children both in Spanish and English.

However, the staff and children are in great need of a campus of their own. Although grateful for the current and old locations, our children need a permanent school Campus. Our children and many more in the future deserve a new building with technology within. They need ample area to run and grow their bodies and minds!

Morgan Hill deserves a bright school that serves our community too! It was once said that the "Jewels" of a city are their schools! Imagine such a jewel in a part of Morgan Hill that has longed for such a jewel. Cosmo Ave and West Monterey Road has a community of wonderful people that would benefit from Voices.

In an era like we are living now, full of division and hate, a jewel of a campus for Voices Charter School would bring a positive solution to such dissolution. Please approve such vision for our children and for Morgan Hill.

Thank you,

Alejandro J. Ortiz Sr.

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From: [Cassandra Sanchez](#)
To: [Joey Dinh](#)
Subject: Voices school
Date: Friday, 27 September, 2019 3:49:53 PM

My name is Cassandra Sanchez I am a parent at Voices College Bound Language Academy. Voices is a great school that has been life changing for my sons and I, the staff there is super friendly and makes me feel welcomed all the time. In a school I always look for great teachers since my kids spend most of their time at school when they aren't home I want them to be treated well and make themselves have a motivation to learn and voices has done that for them. I support the building of the new school because it has helped my kids develop both languages better and I know it has helped other kids as well that's why I ask for you to grant them the permission to be able to work on this new project and help the school grow thank you!

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From: [Gio Fi](#)
To: [Joey Dinh](#)
Subject: Voices School Site Project
Date: Friday, 27 September, 2019 9:11:14 AM

Hello!

My name is Giovanni Figueroa,

I am a mother of a child who attends Voices College-Bound Language Academies, in Morgan Hill. I am very interested in seeing the project continue. One reason is that the staff works very hard to make sure that our children have a quality education, and they continue showing the hard work and dedication. Also, the staff works hard to ensure that the rules and routines are met to make sure that our neighbors and the school maintain healthy and positive relationship. The school project is a great opportunity for future generations to receive a high quality education. This is the main reason why I am showing my support of the construction of the new Voices College Bound Language Academies School Site.

Thanks,

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From: kidamont@yahoo.com
To: [Joey Dinh](#)
Subject: Voices School
Date: Monday, 30 September, 2019 5:14:22 PM

Hi, my name is Laura Montes

I am a parent at Voices College-Bound Language Academy. Voices is in my opinion a great school, my son has learned a lot, he loves the teachers and the people who works there, they are a good community trying to help every kid that attends to school. I support the building of the school because the kids deserve to have a classroom with walls, not only cubicles which is where they are having their classes now, kids work so hard and they deserve a classroom where they can learn and not interrupt the classroom nex to them because the thin walls, also they need a playground where they can go and play, have a little fun do some exercise an between classes.

That's why I support the building of the school, give the kids and parents an opportunity to grow, same as the city is giving the opportunity to big warehouses to be built, in the city, kids are the future give them the opportunity please.

Sincerely,

Laura Montes

[Enviado desde Yahoo Mail para Android](#)

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From: justwinbaby70@gmail.com
To: [Joey Dinh](#)
Subject: Voices school
Date: Monday, 30 September, 2019 3:11:20 PM

Hello Mr.Dinh:

My son attends Voices Academy & I would like him to continue to attend as I hear that his school may not be granted for an extended campus.

The City of Morgan Hill has been expanding with more new homes in the area but not more schools. This school is beneficial to the students & to the community by focusing on higher education & I hope the City realizes how important it is for the families.

Thank you,
Carmen Vargas

Sent from my iPhone

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From: [Aida Cazares](#)
To: [Joey Dinh](#)
Subject: Voices support of building
Date: Saturday, 28 September, 2019 9:50:32 PM

Hello Mr. Dinh,

I am a Morgan Hill resident and my children both attend public schools in Morgan Hill. Although my children do not attend Voices, I highly support Voice building a new school. Voice has been striving hard to educate our future and they deserve to continue to do so in a new facility. I have friends and their children attend Voices and they children LOVE their school and there is nothing better than having children enjoy going to school and learning. I hope Voices will have your support to continue educating our future.

Thank you,

Aida

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Attachment: Voices - All Public Comment Letters Received (2485 : Use Permit: Monterey-Voices)

From: [Ariana Vera](#)
To: [Joey Dinh](#)
Subject: Voices
Date: Thursday, 26 September, 2019 3:57:26 PM

Joey dinh

My name is Ariane Velazquez I am the mother of yaretzi Velazquez currently attending Voices here in Morgan hill. We as parents would love to see our kids thrive in life and in school. For that too happen our children need a space for our school to be permanent. Our kids would love to have a play ground some where were they feel safe and we believe this space where we would love to have will be the place for our children to start striving. Our children will be very pleased and I know this will help our children grow educationally in our school. Please keep us in consideration.

Ariane Velazquez

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From: [Marisol Guevara Alvarez](#)
To: [Joey Dinh](#)
Subject: We need construction the Voices school
Date: Sunday, 29 September, 2019 4:32:13 PM

My My name is Marisol Guevara I am the mother of two children who go to school Voices College-bound Language Academia is a leap that for me and my children we liked a lot to start double language and that is important for me and my children which My children have also achieved my goal but they are very well academically, which gives me joy and encouragement to be leading them to school.

I support the construction of the school because my children need a school where they continue to develop academically and continue to achieve their academic goals.

That is why I am asking you as a mother to support us in the contrition of school for my children and achieve our dreams and goals together.

I appreciate your attention and support. Thank you.

Enviado desde mi iPhone

Enviado desde mi iPhone

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Response Letter to Public Comments for Voices Charter School Project

Application: UP#2018-0015: Monterey - Voices

Responses to Issues Raised in Public Comments Received on Proposed Project

A total of 66 comment letters were received regarding the Voices public charter school project. This response will answer any questions related to City policies such as the General Plan or Zoning Ordinance. All comments related the environmental or California Environmental Quality Act (CEQA) analysis will be addressed in the attached memorandum prepared by Raney Consulting. All comment letters are attached.

Comment Letter 1 - Email from David H. Elliott dated Friday September 27, 2019:

"I oppose the proposed charter school on principle. I do not believe it is in the best interests of the children of our community to divert resources from our existing public schools in order to support charter school adventures. If there is more need than the current public schools can meet, then the public-school system should be expanded.

Charter schools are, by definition, not required to meet the standards that have mandated for our public schools, which makes them inherently inferior to public schools.

The children of this city deserve better."

Response to Comment Letter 1:

Thank you for your comment, it will be included as a part of the public record for consideration.

Comment Letter 2 - Email from Diane McHenry dated Saturday September 14, 2019:

"That is not a very safe area of Morgan Hill. I'm sure you know that."

Response to Comment Letter 2:

Thank you for your comment. Safety is always a priority concern for all projects. This project will have security fencing around the perimeter of the project site. The project will also be subject to various Conditions of Approval and Mitigation Measures that will require off-site improvements along Monterey Road and at the intersections of San Pedro Avenue/Monterey Road and Cosmo Avenue/Monterey Road to increase pedestrian safety.

Comment Letter 3 - Email from Suzanne Downer dated Friday September 13, 2019:

"I do not want another Charter School in Morgan Hill."

Response to Comment Letter 3:

Thank you for your comment, it will be included as a part of the public record for consideration.

Attachment: Response to Comments unrelated to the CEQA Analysis (2485 : Use Permit: Monterey-Voices)

Comment Letter 4 - Email from Brian Gadus dated Thursday September 12, 2019:

"I'm a public school teacher and own a home in Morgan Hill. I send my kid to PA Walsh, sadly known as the "worst school in Morgan Hill". I love my neighborhood, community, and school. I find it disgusting that our school is classified as title 1 which is supposed to give priority to lower socioeconomic students the ability to transfer, when in reality the students who are transferring out of PA Walsh are those that come from the highest socioeconomic backgrounds in the neighborhood. This is completely backwards. Most of the lower socioeconomic student families do not even know the charter school exists and that they can request a transfer.

How will this new charter school be any different? Is the city's plan to just create more charter schools until all of the poor people have been filtered out, and charter schools are just an upper class, segregated environment? Will this new charter school reduce class sizes at PA Walsh and other schools? Will this Charter school take resources away from other schools?

Lastly, the name "Voices" is extremely deceptive and misleading as the current charter school has proven to be anything but a "voice". It is more of a hush hush we can send our kids there so they don't have to be around minorities and the poor. I would think if you name a school "Voices" you would actually be providing a voice for someone who needs it."

Response to Comment Letter 4:

This application is not for a new charter school. Voices is currently operating at 610 Jarvis Drive. This project is a new location and campus for the existing school. According to the Voices website and the Santa Clara County Office of Education website, Voices is a dual-language immersion model, students receive 80% of instruction in Spanish and 20% in English starting in kindergarten. The percentages shift by 10% per year until reaching 50/50 in third grade.

The City cannot comment on the issues at PA Walsh or the Morgan Hill School District but the City does not have any plan(s) regarding charter schools. This existing school received a Use Permit to relocate from a church to their currently facility on Jarvis Drive in 2017 and now are looking to build their own independent campus closer to the population of students that they serve.

Comment Letter 5 - Email from Marianne Guntow dated Thursday September 12, 2019:

"I am concerned about the daily traffic impact. Has a review been done yet that includes traffic? Drop off and pickup of some portion of more than 500 students and the coming and going of more than 60 employees will be a lot of vehicles in a narrow window when the streets are already busy.

Will the school have onsite parking for all employees plus visitors?

Is this a completely new school or are they currently located elsewhere and are moving here? Where are the students going now?

Would these be more than 60 completely new jobs to Morgan Hill? Are they full time, part time, intern, volunteer?”

Response to Comment Letter 5:

Traffic was a major concern for the City and has been analyzed in the Initial Study/Mitigated Negative Declaration. A traffic impact analysis (TIA) was prepared for the project and is attachment Appendix F: Traffic Impact Analysis to the Initial Study. In summary, there are several off-site improvements that will be required of the project at the intersections of San Pedro Avenue/Monterey Road and Cosmo Avenue/Monterey Road in order to help mitigate the traffic concerns, including installing a new crosswalk on the northern leg of Cosmo/Monterey Road, protected traffic signaling (currently yield lights), and new striping to restrict turn movements.

There will be 33 on-site parking spaces, which meets the City’s Parking Ordinance requirements for an elementary/middle school, which required 1 space per classroom (20 proposed classrooms) and 1 space for every 250 square feet of office space (approximately 2,500 square feet of office space total). The City’s parking ordinance requires 30 parking spaces but there will be 33 on-site parking spaces provided. The applicant will be required to obtain an off-site parking agreement and Planning Commission approval for Phase II of the project which involves construction of the multipurpose building.

The school is not a new school in Morgan Hill. The school is currently located in the Morgan Hill Ranch Business Park on Jarvis Drive behind Walmart. However, the school has outgrown this location. They are seeking a larger and more permanent location, that would allow them to construct a facility to suit their needs.

Since the school is existing and they are looking to relocate within the City, most of the jobs already exist. In the future, as enrollment increases, they will likely hire additional staff. However, according to the Statement of Proposed Operations submitted by the applicant/school at full buildout/capacity they are only expecting around 63 staff members.

Comment Letter 6 - Email from Tom Guinane dated Saturday September 14, 2019:

“Unfortunately due to other commitments, I cannot attend the meeting in early October. If I could I would like to point out to the Planning Commission that the 25' x 25' turf play area and 25' x 40' playground (my estimates from looking at the maps) are not enough space to hold 500 children. Fifty children at play would be overcrowded in that area. In today's world of cell phones and video games, we as responsible community leaders need to make MORE space for our children to play outside, (and encourage them to do so) not less. Where are the four square areas? Hop scotch? Basketball courts? What about the fields for soccer and other games? Isn't the physical health of our children a concern anymore?”

This school plan is unworthy of approval by the Planning Commission without sufficient on-site, secure (fenced in) play areas for the children.”

Response to Comment Letter 6:

Thank you for your comment, it will be included as a part of the public record for consideration. According to the school's proposed bell schedule, each grade's recess is staggered during normal school operations.

Comment Letter 7 – Letter & Email from Donna Ruebusch dated Monday September 23, 2019: "City of Morgan Hill Community Development – Monterey (Road/Corridor) Voices Charter Project # UP2018-0015

This is a summary of information comparing the MH General Plan and

From: Donna Ruebusch (retired MHUSD teacher, Committee member on the City/School liaison Committee (2014-18) former MHUSD Board member and past board president.

Municipal Code 18.108.30 states:

A conditional use permit is a discretionary action that enables the planning commission to ensure the proposed use is

- 1. Consistent with the general plan and*
- 2. Will not create negative impacts to adjacent properties or the general public*
- 3. Permit for use of this property is premature because*
 - a. Monterey Road Corridor Study has not been completed*
 - b. The parcel under consideration is contiguous to larger vacant parcels which might limit future development of the adjacent property*
 - c. The current parcel could be developed for housing to help create affordable housing for public workers i.e. teachers, firefighters, police.*
- 4. This project does not conform to the goals of Morgan Hill's General Plan 2035*
- 5. This particular parcel has been previously rejected during the Rocketship charter applications – approximately 2104*
- 6. MHUSD has K-8 schools available to all students*
 - a. San Martin Gwinn Dual Language Immersion program*
 - b. Jackson Academy of Math and Music is K-8*
 - c. Middle Schools serve grades 6-8 and provide language and music programs*

Response to Comment Letter 7 (continued under each section):

The site is currently zoned as MU-F (Mixed Use-Flex) which allows for public schools with an approved Conditional Use Permit. According to the City's General Plan, non-residential land uses do not require a block level master plan. The City's Zoning Ordinance allows for public schools to be in the MU-F zone district with an approved Conditional Use Permit. The project meets the development standards of the MU-F zone district and the MU-F General Plan designation. The City cannot speculate future development activity in the surrounding area. The City cannot impose restrictions on the current application based on speculation.

Goal: Policy HC-1.1: Neighborhood Schools:

Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a community resource

facility.

1. *Voices does not operate schools with traditional school boundaries therefore does not promote neighborhood schools*
2. *Reduces opportunities for students to walk to school, sense of community and ready mix of friends who live nearby*
3. *Voices provides admission preference in their lottery for students residing in the district. The petition should be amended to admission preference for students in the PA Walsh school attendance boundary in order to support creating neighborhood schools*
4. *I was visiting family in San Jose (near Willow Glen) I was very surprised to see the entire neighborhood was leafleted with papers encouraging attendance at public meetings for Voices renewal and expansion. This is counter to their stated purpose and charter which to serve underprivileged children and this neighborhood well out of proposed attendance boundaries. This recruitment technique shifts MHUSD dollars away from the district and many student needs to the few (and quite possibly students from outside our school district).*

City Response: *Voices is authorized by the Santa Clara County Office of Education, and although located in the MHUSD area, Voices does not fall under MHUSD authority.*

Goal: Policy HC-1.2: Coordinate School Development.

Work with MHUSD to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.

1. *The City and MHUSD have worked together to identify school sites (maps are available)*
2. *The proposed site is not in an area designation by the District and City as an appropriate location for future facility. This location is currently zoned as mixed use-flex (MU-F)*

Goal: Policy HC-1.3: Quality Educations. Cooperate with the City of San Jose, Santa Clara County, and the MHUSD to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the population served.

1. *The City and MHUSD have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public*
 - a. *The proposed site would place a large number of students on an overcrowded school site*
 - b. *The site is a fraction of the size of school recommended by the CDE*
 - c. *CDE recommends specific grade levels using the rule-of-thumb-approach i.e. Elementary schools are minimally five (5) acres plus an additional acre for every 100 students of the predicted ultimate enrollment.*
 - d. *Voices is proposing a 600 student, 2 acres. Campus. CDE standards requires a minimum of 11 acres*
 - e. *Two (2) acres as a proposed site is 20% of the size campus recommended by the CDE*
 - f. *The City and MHUSD would need a joint use agreement to guarantee use of the Morgan Hill community Park to ensure students have access to adequate play fields for PE and recess.*

- g. *CDE approval is not provided with the Conditional Use Applications. Upon investigation MHUSD contacted the CDE'S School Facilities Planning Division: It was reported to MHUSD that "NO FIELD REPRESENTATIVE HAS VIEWED THE SITE OR PROVIDED A WRITTEN EVALUATION ON ITS SUITABILITY AS A SCHOOL SITE." It is highly suggested this approval be obtained prior to city approval of this project.*

City Response: The City and MHUSD has worked together to identify locations for preferred school siting, however this list does not limit schools from locating in other areas in the City. However, this policy does not apply to this application because the Voices Charter School was authorized by the Santa Clara County Office of Education and not the MHUSD.

Goal: Policy HC – 1.4: Strategic Plan. Encourage the MHUSD, Gavilan College and private schools to develop a strategic plan for and construct schools to coincide wit the planned future growth of the City.

1. *The proposed school Voices project is not in an area designated by the District and City as an appropriate location for future facilities. This location is currently zoned as mixed use-flex (MU-F)*
2. *Permit for use of this property is premature because: Monterey Road Corridor Study has not been completed*

City Response: The site is currently zoned as MU-F (Mixed Use-Flex) and allows for public schools with an approved Conditional Use Permit. According to the City's General Plan, non-residential land uses do not require a block level master plan. The City's Zoning Ordinance allows for public schools to be in the MU-F zone district with an approved Conditional Use Permit. The project meets the development standards of the MU-F zone district and the MU-F General Plan designation.

Goal: Policy HC – 1.5: Site Selection. Work with the MHUSD in selecting sites for new schools to optimize educational and community development goals (South County Joint Area Plan 4.08)

The City and MHUSD have worked together to identify appropriate locations for schools.

1. *The project is not in area designated by the City or MHUSD for a school*
2. *The size of the property:*
 - a. *9 acres too small by CDE standards (to which all public schools are held)*
 - b. *Size is eroded by required creek setbacks*
 - c. *Lack of connection to community facilities*
 - d. *Proximity to existing businesses which sell alcohol*
 - e. *Voices has not lived up to all previous agreements i.e. expenditure of the \$125,000 for classrooms that was approved during my tenure on the Board. And rejected other more suitable sites proposed by the District staff.*

City Response: The City and MHUSD has worked together to identify locations for preferred school siting, however this list does not limit schools from locating in other areas in the City. However, this policy does not apply to this application because the Voices Charter School was authorized by the Santa Clara County Office of Education and not the MHUSD.

Goal: Policy HC-1.6: Efficient Siting. Site new residential development in areas served by existing schools to allow school facilities to be used most efficiently and to minimize busing needs (South County Joint Area Plan 4.05)

1. *Voices has not completed a traffic impact analysis.*
2. *A traffic management plan has been submitted but not enough detail is provided for the following issues:*
 - a. *Does not demonstrate onsite parking sufficient.*
 1. *There are 33 parking stalls listed but this is not sufficient for 50 staff members*
 - b. *Insufficient queuing space to handle peak school traffic:*
 1. *Applicant states that “maintained seamless traffic flow at its current school site is implementing a “traffic management plan”. It can’t be assumed the traffic patterns at the new site, on Monterey Rd, with double the current population would be similar to Murphy Avenue.*
 2. *There is no demonstration by a traffic engineer that onsite queuing is sufficient to prevent traffic from backing up onto surface streets.*
 3. *Insufficient space for drop-off and pick-up space*
 4. *Above queuing could impact MHUSD on Monterey Rd as the District’s transportation relies heavily on Monterey Rd.*

City Response: Traffic was a major concern for the City and has been analyzed in the Initial Study/Mitigated Negative Declaration. A traffic impact analysis (TIA) was prepared for the project and is attachment Appendix F: Traffic Impact Analysis to the Initial Study. In summary, there are several off-site improvements that will be required of the project at the intersections of San Pedro Ave/Monterey Rd & Cosmo Ave/Monterey Road in order to help mitigate the traffic concerns, including installing a new crosswalk on the northern leg of Cosmo/Monterey, protected traffic signaling (currently yield lights), and new striping to restrict turn movements.

The City’s Parking Standards require 1 parking space for every classroom and 1 parking space for every 250 square feet of office space for an elementary/middle school. The project will have 20 classrooms and approximately 2,500 square feet of office space – requiring 30 parking spaces. The project will provide 33 at this time. The applicant will be required to obtain an off-site parking agreement and return to the Planning Commission for approval of Phase II of the project prior to construction of the multipurpose building.

Based on the analysis in the TIA, the school will be required to employ staggered start times and traffic monitors/staff to assist with efficient drop-off/pick-up. The operation will employ traffic cones and signs, two-way radios, and name tags to ensure efficient and steady flow in the loading area. On-street parking along school frontages will be restricted.

The project is constructing a signalized crosswalk on the northern leg of Monterey Road/Cosmo Avenue and a lighted pedestrian yield signs on the crosswalk on Cosmo Avenue/West Little Llagas Creek Trail. Students choosing to walk to school will have several access points to the school including a pedestrian-only entrance on Monterey Road and part of the interpretive trail along the western portion of the site.

Goal: Policy HC-1.7: Neighborhood Activities: Encourage the MHUSD to design, site and upgrade elementary schools with flexible facilities that are accessible after school hours for community use to serve as the focal point of each neighborhood's diverse and changing social, cultural, vocational, recreational and educational activities.

1. The City and MHUSD have worked together to establish joint-use facilities. The City and District are jointly developing Borello School to incorporate fields for community use during non-school hours.
2. Voices makes no mention of availability of the facility for community use. It is recommended Voices provide public access to the facilities during non-school hours on a fee or no-fee basis.

Goal: Policy HC – 1.8: Park Coordination: Work with MHUSD to locate parks and schools together to optimize their use as a community facility (South county Joint Area Plan 4.10) This plan is not located near a City Park or other community facilities.

"I encourage the City Counsel members to reject this proposed site for Voices Charter"

City Response: The project site is located on Cosmo Avenue and Monterey Road. Morgan Hill Community Park is located approximately 750 feet west of the project site on Cosmo Avenue. The project is also proposing to construct an interpretive trail with plantings of native plants and trees along its western property line adjacent to West Little Llagas Creek Trail.

Comment Letter 8 - Email from James Levis dated Monday September 30, 2019:

"Dear City of Morgan Hill, Development Services Department:

I am writing this letter because I am deeply concerned about the proposed Re-Zoning of the 2-acre lot on Monterey Ave for the Voices Charter School through a Conditional Use Permit.

I believe that schools should be planned in areas that make sense. I do not believe that this small site on Monterey is adequate for a 600-student school. I also do not believe that it adheres to the City General Plan. There are many problems that I see with the proposed site and how they do not support the general plan or are a benefit to the City of Morgan Hill or students within the MHUSD.

To mention only a few problems:

I. One of the Cities Goals is Policy HC-1.2: To Coordinate School Development. -Work with MHUSD to coordinate planning for school facilities in conjunction with new development, and to identify appropriate locations for future school facilities.

1. The City and MHUSD have worked together to identify appropriate school sites throughout the MHUSD boundaries. I believe that the key work in the goal is "appropriate". This site is not appropriate.

2. *The proposed site is not in an area designation by the District and City as an appropriate location for a future facility.*

3. *This location is currently zoned as mixed use-flex (MU-F). Mixed use is not designed to be used for a school. We should not be giving away commercial land to a school.*

Response to Comment Letter 8 (continued under each section): The current application is for a Conditional Use Permit and not for a zoning amendment. The site is currently zoned as MU-F (Mixed Use-Flex) and allows for public schools with an approved Conditional Use Permit. According to the City's General Plan, non-residential land uses do not require a block level master plan. The City's Zoning Ordinance allows for public schools to be in the MU-F zone district with an approved Conditional Use Permit. The project meets the development standards of the MU-F zone district and the MU-F General Plan designation.

II. *A second goal of the city is Policy HC – 1.8: Park Coordination:
-Work with MHUSD to locate parks and schools together to optimize their use as a community facility (South county Joint Area Plan 4.10)*

1. *This plan is not located near a City Park or other community facilities.*
2. *There is no agreement between MHUSD and the City for joint use of the Morgan Hill Community Park.*

III. *A third city goal is Policy HC-1.3: Quality Educations.
-Cooperate with the City of San Jose, Santa Clara County, and the MHUSD to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the population served.*

1. *The City and MHUSD have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public*
2. *The proposed site would place a large number of students on an overcrowded school site.*
3. *The site is a fraction of the size of school recommended by the CDE.*
4. *CDE recommends specific grade levels using the rule-of-thumb-approach i.e. Elementary schools are minimally five (5) acres plus an additional acre for every 100 students of the predicted ultimate enrollment.*
5. *Voices is proposing a 600 student, 2 acres. Campus. CDE standards requires a*

minimum of 11 acres.

6. *Two (2) acres as a proposed site is 20% of the size campus recommended by the CDE*
7. *The City and MHUSD would need a joint use agreement to guarantee use of the Morgan Hill Community Park to ensure students have access to adequate play fields for PE and recess.*
8. *CDE approval is not provided with the Conditional Use Applications. Upon investigation MHUSD contacted the CDE'S School Facilities Planning Division: It was reported to MHUSD that "NO FIELD REPRESENTATIVE HAS VIEWED THE SITE OR PROVIDED A WRITTEN EVALUATION ON ITS SUITABILITY AS A SCHOOL SITE." It is highly suggested this approval be obtained prior to city approval of this project.*

City Response: The project site is located on Cosmo Avenue and Monterey Road. Morgan Hill Community Park is located approximately 750 feet west of the project site on Cosmo Avenue. The project is also proposing to construct an interpretive trail with plantings of native plants and trees along its western property line adjacent to West Little Llagas Creek Trail. Voices is authorized by the Santa Clara County Office of Education, and although located in the MHUSD area, Voices does not fall under MHUSD authority.

9. *The proposed site is located on a very busy street with little regard to the safety of the students at the site or to the traffic effect on Monterey.*

These are just a few of the many reasons that the Conditional Use Permit for the Voices Charter School should be denied. Schools are vital to the life blood of Morgan Hill and the thoughtful planning and location of all schools is paramount to the continued success of all students within the MHUSD boundaries. I appreciate your thoughtful consideration of this proposal the strongly urge you to vote no on the Conditional Use Permit for the Voices Charter School on Monterey Road."

City Response: Traffic was a major concern for the City and has been analyzed in the Initial Study/Mitigated Negative Declaration. A traffic impact analysis (TIA) was prepared for the project and is attachment Appendix F: Traffic Impact Analysis to the Initial Study. In summary, there are several off-site improvements that will be required of the project at the intersections of San Pedro Ave/Monterey Rd & Cosmo Ave/Monterey Road in order to help mitigate the traffic concerns, including installing a new crosswalk on the northern leg of Cosmo/Monterey, protected traffic signaling (currently yield lights), and new striping to restrict turn movements.

The City's Parking Standards require 1 parking space for every classroom and 1 parking space for every 250 square feet of office space for an elementary/middle school. The project will have 20 classrooms and approximately 2,500 square feet of office space – requiring 30 parking spaces. The project will provide 33 at this time. The applicant will be required to obtain an off-site

parking agreement and return to the Planning Commission for approval of Phase II of the project prior to construction of the multipurpose building.

Based on the analysis in the TIA, the school will be required to employ staggered start times and traffic monitors/staff to assist with efficient drop-off/pick-up. The operation will employ traffic cones and signs, two-way radios, and name tags to ensure efficient and steady flow in the loading area. On-street parking along school frontages will be restricted.

The project is constructing a signalized crosswalk on the northern leg of Monterey Road/Cosmo Avenue and a lighted pedestrian yield signs on the crosswalk on Cosmo Avenue/West Little Llagas Creek Trail. Students choosing to walk to school will have several access points to the school including a pedestrian-only entrance on Monterey Road and part of the interpretive trail along the western portion of the site.

Comment Letter 9 - Emails from Doug Muirhead dated Monday September 30, 2019:
 “Comment #1:

Section 4.X. HYDROLOGY AND WATER QUALITY, Figure 11: Stormwater Control Plan, identified 58,248 square feet of pervious surface that will be replaced with non-pervious surface. Concrete accounts for 35,887 square feet, Roof for 19,275 Sf, and Landscape for 3,086 square feet. Only Water Quality is the subject of the analysis of impervious surfaces. Nowhere in the Initial Study is a discussion of heat island effects caused by these new impervious surfaces.

Section 4.XXI. MANDATORY FINDINGS OF SIGNIFICANCE say, "Development of the proposed project would not be expected to result in substantial adverse impacts to human beings, either directly or indirectly." I would like to see cool surface technologies (such as reflective surfaces for pavement and roofs) used for this project. Two-thirds of currently undeveloped project land adjacent to a stream and trail will be creating new heat impacts.

Comment #2:

[EIR reference text start]

2.2 Project Components

Landscaping and Open Space

The western portion of the site within the existing temporary construction easement, as well as a 35-foot-wide buffer east of the easement required by the Santa Clara Valley Habitat Plan (SCVHP), would be planted with native riparian vegetation and retained as open space. A meandering five-foot-wide interpretive trail consisting of decomposed granite would extend southward from the parking lot, through the proposed open space area, and curving eastward at the southern site boundary. A perimeter fence or wall would be provided along the length of the northern and western site boundaries.

[EIR reference text end]

Figure 3 Site Plan identifies the 35-foot-wide riparian setback as being east of the property line. Figure 9 Landscape Schematic Master Plan identifies the fence or wall as being at

the property line. How far from the stream top of channel is the fence or wall? The riparian setback area to be used by wildlife should not be blocked off by a fence or wall.”

Response to Comment Letter 9:

These comments will be analyzed and addressed in the memorandum addressed to the City prepared by Raney Consultants.

Comment Letter 10 – Letter from Morgan Hill Unified School District dated September 30, 2019

1. This parcel is currently designated as mixed use-flex (MU-F) and is part of the City's Monterey Road Corridor Study. Since this parcel is contiguous to a larger vacant parcel granting use of a portion of the parcel might limit the future development of the adjacent parcel. Furthermore, using property that could be developed into housing may inadvertently reduce the availability of a more diverse residential product mix and affordable workforce housing in Morgan Hill which may affect the ability of the District to attract and retain employees.

Response to Comment Letter 10 (continued under each section): The City cannot speculate future development activity in the surrounding area. The City cannot impose restrictions on the current application based on speculation. According to the City's General Plan, non-residential land uses do not require a block level master plan. The City's Zoning Ordinance allows for public schools to be in the MU-F zone district with an approved Conditional Use Permit. The project meets the development standards of the MU-F zone district and the MU-F General Plan designation.

2. Policy HC-1.1: Neighborhood Schools. Coordinate community development and school development to promote neighborhood schools, which educate neighborhood children and serve as a community resource facility.

The Applicant does not operate schools with traditional school boundaries, therefore, the proposed Project does not promote neighborhood schools. While we acknowledge that public charter schools operate without traditional neighborhood boundaries, we also recognize the benefits of neighborhood schools such as students walking to school (especially important since Voices does not provide bussing), a sense of community, and a ready mix of friends who live nearby.

Currently, Voices provides an admission preference in their lottery for students residing within the District. The District encourages Voices to consider amending their Petition to provide an admission preference to students living within the P.A. Walsh Elementary School attendance boundary in order to support creating a neighborhood school.

City Response: Voices Charter School is authorized by the Santa Clara County Office of Education. The City has no authority over the admission process for the school.

3. Policy HC-1.2: Coordinate School Development. Work with the Morgan Hill Unified School District to coordinate planning for school facilities in conjunction with new

development, and to identify appropriate locations for future school facilities.

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F).

4. Policy HC-1.3: Quality Education. Cooperate with the City of San Jose, Santa Clara County, and the Morgan Hill Unified School District to ensure a high-quality education experience by providing adequate and safe school facilities, preventing overcrowding, and providing school locations convenient to the population served.

The City and District have worked together to provide adequate and safe school facilities, preventing overcrowding and providing school locations convenient to the public in accordance with Policy HC-1.3. The proposed Project site would place a large number of students on an overcrowded school site that is only a fraction of the size suggested for elementary school students by the California Department of Education ("COE"). Additionally, this location would not provide adequate facilities for parking, physical education, and recess activities.

The City's municipal code does not set forth any standards for determining the suitability and adequacy of the proposed school use. Presumably, this is because all previous public schools in the City of Morgan Hill were built by the District in accordance with standards established by the CDE pursuant to Education Code section 17251 and the California Code of Regulations, Title S, sections 14001 through 14012. Education Code section 47610 generally exempts charter schools from laws governing school districts, including those pertaining to school facilities. Notwithstanding, charter schools are required to comply with the California Building Standards Code as adopted and enforced by the local agency with jurisdiction. (Ed. Code, § 47610(d).) However, building code standards do not provide guidance as to whether the proposed site is suitable and adequate for use as an elementary/middle school.

The question logically arises as to what standards the Planning Commission should apply to the Project. Proposition 39 amended Education Code section 47614 to require school districts to make available for charter schools district facilities and equipment reasonably equivalent to those in which the students would be accommodated if they were attending other district public schools. Accordingly, as a matter of public policy, the City should find that the proper standard for suitability and adequacy of a charter school location is a site that is reasonably equivalent to the standards for school district sites as established by the COE.

Public school facilities are required to be located on sites with the net usable acreage consistent with the number of acres and enrollment established in the 2000 edition of "Guide to School Site Analysis and Development" ("Guide") published by the COE, a copy of which is available at <http://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp>. (S CCR §§

14001 (c), 14010.) The Guide provides a guideline of site requirements for specified grade levels and uses and provides a rule-of-thumb approach. The rule-of-thumb approach recommends that elementary schools provide a minimum site of five acres plus an additional acre for every 100 pupils of predicted ultimate enrollment. Based on these guidelines, an elementary school of 600 students would require a site of 11 acres. The proposed Project site is two net acres which represents only 20% of CDE's recommended acreage. It is recommended that the City and Applicant enter into a joint-use agreement for space during the school day at the Morgan Hill Community Park to ensure students have access to adequate play fiends for physical education and recess.

Since preliminary site approval from CDE wasn't provided with the Conditional Use Application, the District contacted COE to see if Preliminary Site Approval had been obtained. CDE's School Facilities Planning Division indicated that no field representative has viewed the site or provided a written evaluation on its suitability as a school site. It is recommended that prior to making a determination on the Conditional Use Permit that the applicant be required to adhere to CDE's School Site Approval Procedures available at this website <https://www.cde.ca.gov/ls/fa/sf/documents/sfpd401-C.doc>. While only schools seeking State funds are statutorily required to complete the CDE Site Siting standards, given the lack of local standards for determining the suitability and adequacy of the proposed school use we believe it is important that the Project adopts CDE's guidelines as a best practice.

5. Policy HC-1.4: Strategic Plan. Encourage the Morgan Hill Unified School District, Gavilan College, and private schools to develop a strategic plan for and construct schools to coincide with the planned future growth of the City.

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F). Furthermore, this parcel is currently designated as mixed use-flex (MU-F) and is part of the City's Monterey Road Corridor Study. Permitting the use of this property for another purpose is premature given that the Monterey Road Corridor Study has not been completed and the proposed use might not be conducive to the development of the properties surrounding it.

6. Policy HC-1.5: Site Selection. Work with the Morgan Hill Unified School District in selecting sites for new schools to optimize educational and community development goals (South County Joint Area Plan 4.08).

The City and the District have worked together to identify appropriate locations for school locations in accordance with Policy HC-1.2. The proposed Project site is not in an area designated by the District and City as an appropriate location for future facilities and is currently zoned as mixed use-flex (MU-F).

The Site is not suited for a school given its small size (which is further eroded by required

creek set-backs), lack of connection to community facilities, and proximity to existing businesses which sell alcohol.

City Response to No.'s 3, 4, 5 and 6: The City and MHUSD have worked together to identify locations for preferred school siting, however this list does not limit schools from locating in other areas in the City. However, this policy does not apply to this application because the Voices Charter School was authorized by the Santa Clara County Office of Education and not the MHUSD.

According to the City's General Plan, non-residential land uses do not require a block level master plan. The City's Zoning Ordinance allows for public schools to be in the MU-F zone district with an approved Conditional Use Permit. The project meets the development standards of the MU-F zone district and the MU-F General Plan designation.

7. Policy HC-1.6: Efficient Siting. Site new residential development in areas served by existing schools to allow school facilities to be used most efficiently and to minimize busing needs. (South County Joint Area Plan 4.05)

The District has significant concerns that 33 parking stalls will not be sufficient for the 63 projected employees. Insufficient parking on site will lead to staff and parents parking on City streets.

With no bussing provided for students, all student transportation for the school will be provided via vehicle or walking. The proposed right-in/right-out operations of the driveway from Cosmo Avenue onto the site does not appear to be adequate for the number of students that would be dropped off. Adding school staff to monitor the driveway during school peak hours to attempt to control left turns in and out of the driveway could have the potential of putting students and staff at risk.

As stated in the Traffic Impact Analysis Study, ("TIA") the estimated inbound cars would be 328 and outbound 265 during the AM peak hours. The insufficient queuing space onsite will negatively impact traffic on Monterey Road during drop-off and pick-up which may impact the District's transportation routes which rely heavily on Monterey Road.

City Response: The City's Parking Standards require 1 parking space for every classroom and 1 parking space for every 250 square feet of office space for an elementary/middle school. The project will have 20 classrooms and approximately 2,500 square feet of office space – requiring 30 parking spaces. The project will provide 33 at this time. The applicant will be required to obtain an off-site parking agreement and return to the Planning Commission for approval of Phase II of the project prior to construction of the multipurpose building.

Based on the analysis in the TIA, the school will be required to employ staggered start times and traffic monitors/staff to assist with efficient drop-off/pick-up. The operation will employ traffic cones and signs, two-way radios, and name tags to ensure efficient and steady flow in the loading area. On-street parking along school frontages will be restricted.

The project is constructing a signalized crosswalk on the northern leg of Monterey Road/Cosmo Avenue and a lighted pedestrian yield signs on the crosswalk on Cosmo Avenue/West Little Llagas Creek Trail. Students choosing to walk to school will have several access points to the school including a pedestrian-only entrance on Monterey Road and part of the interpretive trail along the western portion of the site.

8. Policy HC-1.7: Neighborhood Activities. Encourage the Morgan Hill Unified School District to design, site, and upgrade elementary schools with flexible facilities that are accessible after school hours for community use to serve as the focal point of each neighborhood's diverse and changing social, cultural, vocational, recreational and educational activities.

The City and the District have worked together to establish school facilities as joint-use facilities that serve as the focal point of the neighborhood social, cultural, vocational, recreational, and educational activities in accordance with Policy HC-1.7. For example, the City and District are jointly developing the Borello School to incorporate fields for community use during non-school hours. Although the Project includes an on-site playground, however it makes no mention of the availability of the facility for community use, therefore, the District recommends the Project be required to provide public access to facilities during non-school hours on a fee or non-fee basis.

City Response: This comment has been included as a part of the public record for consideration.

9. Policy HC-1.8: Park Coordination. Work with the Morgan Hill Unified School District to locate parks and schools together to optimize their use as community facilities (South County Joint Area Plan 4.10).

The proposed Project is contrary to Policy HC-1.8 as it is not located adjacent to a City park to optimize the use as community facilities.

City Response: The project site is located on Cosmo Avenue and Monterey Road. Morgan Hill Community Park is located approximately 750 feet west of the project site on Cosmo Avenue. The project is also proposing to construct an interpretive trail with plantings of native plants and trees along its western property line adjacent to West Little Llagas Creek Trail.