



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, March 24, 2020 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

OPEN AND PUBLIC MEETING DURING THE COVID-19 VIRUS EMERGENCY

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020 to mitigate the spread of the coronavirus known as COVID-19. **On March 18, 2020, Executive Order N-29-20 was executed. Per paragraph 3, the requirement to allow one publicly accessible location where members of the public have the right to observe and offer comment at the meeting has been suspended.**

In particular, the Executive Order suspends the provisions of the Brown Act that require noticing and posting of agendas at each location where a member will be participating telephonically, as well as provisions that require physical presence of members for purposes of a quorum or to hold a meeting. Remote participants do not need to allow public access or comment at remote locations.

Public Participation:

In accordance with Executive Orders N-25-20, N-29-20, and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways:

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

The Planning Commission meeting will be live-streamed on Channel 17 and on the City's website. Those members of the public wishing to participate may do so via Zoom electronic meetings in the following ways; by either logging onto <https://zoom.us/j/749718450> and enter Meeting ID: 749718450 or by calling in (669) 900-9128 enter Meeting ID: 749718450#.

Public comment for Planning Commission meetings will be accepted via email to pcpubliccomment@morganhill.ca.gov and/or through the chat feature of the Zoom electronic meeting during the meeting, prior to the close of public comment on an item, and read into the record during public comment.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

OPEN PUBLIC COMMENT PERIOD

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

ORDERS OF THE DAY

MINUTES APPROVAL

1. APPROVE THE MARCH 10, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

2. **SD2019-0004/SR2019-0026/EA2019-0019: MONTEREY – CITY VENTURES: REQUEST FOR A VESTING TENTATIVE MAP TO SUBDIVIDE A 5.67-ACRE SITE INTO TWO PARCELS, A DESIGN REVIEW PERMIT TO DEVELOP 101 MULTI-FAMILY UNITS, A 2,423 SQUARE FOOT COMMERCIAL/RETAIL BUILDING, AND ASSOCIATED IMPROVEMENTS FOR A MIXED-USE PROJECT, AND TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM PREPARED FOR THE PROJECT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-25-006, IS LOCATED ON THE EAST SIDE OF MONTEREY ROAD AND OLD MONTEREY ROAD INTERSECTION AT 18110 MONTEREY ROAD.**

Recommendation:

1. Open/close the public hearing;
2. Adopt a Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project;
3. Adopt a Resolution approving a Vesting Tentative Map for a 101-unit subdivision with commercial space; and
4. Adopt a Resolution approving a Design Review Permit for a Mixed-Use Development.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

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

PUBLIC COMMENT

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

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

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

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

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

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

AMERICANS WITH DISABILITIES ACT (ADA)

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

DRAFT



Meeting Minutes Planning Commission

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, March 10, 2020 7:00 pm

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

CALL TO ORDER

Chair Munoz-Morris called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Attendee Name	Title	Status	Arrived
Juan Miguel Munoz-Morris	Chairman	Present	
Mohammad Habib	Vice Chairman	Excused	
Joseph Mueller	Planning Commissioner	Present	
Wayne Tanda	Planning Commissioner	Present	
Laura Gonzalez-Escoto	Planning Commissioner	Present	
Malisha Kumar	Planning Commissioner	Present	
Liam Downey	Planning Commissioner	Present	

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna Declared the posting of the Agenda.

PLEDGE OF ALLEGIANCE

Planning Commissioner Downey led the Pledge of Allegiance.

Minutes Acceptance: Minutes of Mar 10, 2020 7:00 PM (Minutes Approval)

OPEN PUBLIC COMMENT PERIOD

Chair Munoz-Morris opened the Public Comment Period at 7:01 p.m. Hearing no requests to speak, the Public Comment Period was closed.

ORDERS OF THE DAY

No changes made.

MINUTES APPROVAL

1. APPROVE THE FEBRUARY 11, 2020 MEETING MINUTES

Recommendation:

Approve Minutes.

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

PUBLIC HEARINGS

2. PLANNING COMMISSION TO CONSIDER MAKING A RECOMMENDATION TO THE CITY COUNCIL TO AMEND TITLE 18 (ZONING), DIVISION III (RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS)), OF THE MORGAN HILL MUNICIPAL CODE, BY ADDING A SECTION 18.156.180 (ENFORCEMENT) TO ESTABLISH PROCEDURES FOR THE LIMITED ENFORCEMENT OR NON-ENFORCEMENT OF THE RDCE WHILE THE HOUSING CRISIS ACT IS IN EFFECT.

Recommendation:

It is recommended that the Planning Commission adopt a resolution recommending that the City Council amend Title 18 (Zoning), Division III (Residential Development Control System (RDCS)), of the Morgan Hill Municipal Code, by adding a Section 18.156.180 (Enforcement) to establish procedures for the limited enforcement or non-enforcement of the Residential Development Control System (RDCS) while the Housing Crisis Act of 2019 is in effect

Assistant City Manager for Community Development Leslie Little and Eric Phillips from Burke, Williams & Sorensen, LLP presented the Staff Report.

Chair Munoz-Morris opened the Public Hearing at 7:18 p.m. Hearing no requests to speak, the Public Hearing was closed.

MOTION:

Adopt a Resolution recommending City Council approve the Zoning Code change.

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

OTHER BUSINESS

3. SENATE BILL 743 (SB 743) LEVEL-OF-SERVICE (LOS) TO VEHICLE-MILES-TRAVELED (VMT) PRESENTATION

Recommendation:

Accept presentation by Staff and Nelson\Nygaard Consulting Associates, Inc. regarding the City's implementation of State Senate Bill 743 (SB 743) transition from Level-of-Service (LOS) to Vehicle-Miles-Traveled (VMT) metric for transportation analysis under the California Environmental Quality Act (CEQA).

Principal Planner Adam Paszkowski and two consultants from Nelson Nygaard: Meghan Weir and Brian Manford presented the Staff Report.

The Planning Commission meeting recessed at 8:04 p.m.

The Planning Commission meeting resumed at 8:09 p.m.

Chair Munoz-Morris opened the Public Comment Period at 8:09 p.m. The following individual addressed the Planning Commission:

- Joe Baranowski

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

No action taken. The Planning Commission accepted the presentation.

RESULT:	ACCEPTED
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4. GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT (APR) 2019

Recommendation:

Accept the 2019 General Plan and Housing Element Annual Progress Report (APR).

Principal Planner Adam Paszkowski presented the Staff Report.

Chair Munoz-Morris Open Public Comment period at 8:49 p.m. Hearing no requests to speak, the Public Comment Period was closed.

No action Taken. The Planning Commission received and accepted the report.

RESULT:	ACCEPTED
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DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman gave the report at 8:52 p.m.

ADJOURNMENT

There being no further business, Chair Munoz-Morris adjourned the meeting at 9:00 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Mar 10, 2020 7:00 PM (Minutes Approval)



PLANNING COMMISSION STAFF REPORT

MEETING DATE: March 24, 2020

PREPARED BY: Tiffany Brown, Associate Planner

APPROVED BY: Jennifer Carman, Community Development Director

SD2019-0004/SR2019-0026/EA2019-0019: MONTEREY – CITY VENTURES: REQUEST FOR A VESTING TENTATIVE MAP TO SUBDIVIDE A 5.67-ACRE SITE INTO TWO PARCELS, A DESIGN REVIEW PERMIT TO DEVELOP 101 MULTI-FAMILY UNITS, A 2,423 SQUARE FOOT COMMERCIAL/RETAIL BUILDING, AND ASSOCIATED IMPROVEMENTS FOR A MIXED-USE PROJECT, AND TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM PREPARED FOR THE PROJECT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-25-006, IS LOCATED ON THE EAST SIDE OF MONTEREY ROAD AND OLD MONTEREY ROAD INTERSECTION AT 18110 MONTEREY ROAD.

RECOMMENDATION(S)

1. Open/close the public hearing;
2. Adopt a Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project;
3. Adopt a Resolution approving a Vesting Tentative Map for a 101-unit subdivision with commercial space; and
4. Adopt a Resolution approving a Design Review Permit for a Mixed-Use Development.

LOCATION MAP



PROJECT SUMMARY:

1. Location: 18110 Monterey Road (APN: 726-25-006)
2. Site Area: 5.67-Acres
3. General Plan: Mixed-Use Flex (7-24 du/ac)
4. Zoning: Mixed-Use Flex
5. Combining District: Block Level Master Plan, Block 4

BACKGROUND:

The 2035 General Plan, adopted in July 2016, established the Mixed-Use Flex (MU-F) General Plan Land Use designation, which primarily applied to properties along the Monterey corridor, allowing for a mix of residential, commercial and office uses applied either vertically (i.e., one structure with multiple uses) or horizontally (i.e., structures with different land uses located adjacent to one another). Prior to development of residential or mixed-use projects within the MU-F designation, the General Plan required a Block-Level Master Plan (BLMP) to be prepared which would identify how commercial uses would be incorporated within the development of a block and how individual development projects would connect with each other. Commercial and other non-residential development could proceed on properties with the MU-F designation without the preparation of a BLMP.

In January of 2019, the Planning Commission recommended approval of a Zoning Amendment (ZA2019-0002) to rezone the property from the MU-F Zoning District to the MU-F/Planned Development (PD) Combining District to establish a BLMP for the Monterey Road Corridor Block Four. Ordinance No. 2298 New Series (Attachment 6) was adopted on February 20, 2019, requiring that pursuant to the requirements of Zoning Code Section 18.30.050 (PD Combining District) a Zoning Amendment to establish a PD Master Plan would be required as a subsequent approval for all projects wanting to develop within the block.

California Senate Bill 330 (SB 330), established the “Housing Crisis Act of 2019”, effective January 1, 2020. The bill amended the Housing Accountability Act (HAA) (Government Code Section 65589.5), making changes to the local approval process and the Permit Streamlining Act until January 1, 2025. Specifically, the bill states that when a housing development project is consistent with the General Plan and applicable zoning standards and criteria, a rezoning shall not be required. The project, as proposed, is consistent with the General Plan and meets the base zoning standards, therefore, although Ordinance No. 2298 (Attachment 6) requires a PD Master Plan for the site, one cannot be required, as SB 330 supersedes that requirement.

PROJECT DESCRIPTION:

The applicant is requesting a Vesting Tentative Map (Attachment 3) to subdivide the project site into two parcels and a Design Review Permit to develop 101 multi-family units, a commercial/retail building, and associated improvements. Of the 101 residential

units, 15 would be below market rate units and four would be live/work units. The existing mobile home would be demolished. Detailed project plans have been provided (Attachment 5). The project would be developed consistent with the General Plan land use and zoning designations.

Site Description

The eastern portion of the project site is developed with a mobile home, which is accessed by a paved driveway connecting to Monterey Road. The remainder of the site consists primarily of ruderal grasses that are regularly mowed. Scattered trees are located along the length of the western and eastern site boundaries. The topography of the site is relatively flat, with an elevation of approximately 357 feet above mean sea level (msl).

Surrounding Zoning/Land Use

The project site is generally bounded by Monterey Road to the west and UPRR tracks to the east. A rail overcrossing is located at Monterey Road to the northwest of the project site, with Monterey Road sloping downward at the approach to the crossing. A sloped embankment separates Monterey Road from the northern portion of the project site. It should be noted that the project site does not include the vegetated embankment along the east side of Monterey Road. Surrounding uses include a single-family residential subdivision to the west and a single-family residence to the south. The area to the east of the site, across the UPRR tracks, is vacant and undeveloped. It should be noted, however, that this property has received planning-level entitlements from the City for a project known as MH Apartments (formerly known as MWest) allowing development of 389 multi-family units.

ANALYSIS:

The proposed Vesting Tentative Subdivision Map and Design Review permits have been analyzed with respect to consistency with the: 1) Subdivision Map Act; 2) Design Review Requirements; and 3) California Environmental Quality Act.

1. Tentative Subdivision Map

A Vesting Tentative Subdivision Map for condominium purposes has been requested to subdivide the 5.67-acre lot into two parcels, with 16 buildings for condominium purposes. The map shows a second 2,005 square foot parcel near Monterey Road as a separate area to be assessed. This is the only portion of the property that is in the floodplain and is therefore being carved out so that the future residential owners will not be subject to floodplain restrictions. As conditioned the map will designate this second parcel identified as "Parcel A" and indicate the area as a separate area for assessment. This parcel will be vacant and not built on; therefore, it is not required to meet the minimum lot size requirements. As conditioned, the Vesting Tentative Map meets the minimum lot standards for the MU-F Zoning District.

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

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

The Tentative Map has been designed consistent with the City's General Plan specifically but not limited to:

Policy CNF-11.4 Internal Connectivity. Encourage the street network in new subdivisions to feature a high level of internal connectivity.

The project site is unique in shape, yet the project provides an internal street network and sidewalks that flow through the site with minimal dead ends.

Policy CNF-11.5 Outside Connections. Require new subdivisions to provide multiple connections to the surrounding community.

The project completes the fourth leg of the intersection at Old Monterey Road and Monterey Road and provides safe pedestrian access with signalized crossing over Monterey Road.

The subdivision is consistent with the BLMP for Block Four in considering neighborhood circulation patterns, completing the fourth leg intersection, and providing future connections to the adjacent property to the south.

2. Design Review Requirements

A Design Review permit is a discretionary action that enables the City to ensure that proposed development has high quality design consistent with the General Plan and any other applicable specific plan or area plan adopted by the City Council. The Design Permit process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties. SB 330 requires that development standards, conditions and polices are applied in a manner to facilitate development on the site at the permitted density. This requirement limits the City's ability to request any changes that may make the project infeasible or reduce density.

In accordance with Section 18.108.040.B (Reviewing Authority), the Community Development Director is the reviewing body to act on all Design Permit applications. However, the Community Development Director may refer any Design Permit application to the Planning Commission for review and final decision. When considering the Design Permit, the City shall evaluate applications to ensure that they satisfy the following criteria: Comply with the BLMP Land Use Regulations - Block Four, conform to

the policies of the General Plan, and any applicable specific plan, and are consistent with any other policies or guidelines the City Council may have adopted.

To approve a Design Permit, the reviewing authority shall make all of the following findings:

- a. **The proposed project is consistent with the General Plan and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.**

The project is consistent with the General Plan and specifically but not limited to the Policies listed below:

Policy CNF-2.1 Orderly Development. Promote the orderly development of the City, with concentric growth and infill of existing developed areas.

The project site is bound to the east by the UPRR tracks and a multi-family development. The property to the south of the site is zoned Mixed-Use Flex that will allow future housing and commercial development with the same building standards.

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

The project provides both market rate and affordable housing, in addition to four live-work units. Commercial space will be provided that will create future jobs.

Policy CNF-6.1 Services to Serve Growth. Manage and schedule urban growth consistent with the ability to provide a full array of urban services and facilities, such as sewer capacity, water, transportation, schools, public safety and other urban services.

The General Plan land use designation is MU-F and anticipated the infrastructure required for a mixed use development within the adopted General Plan Project EIR.

Policy CNF-8.4 Architectural Quality. Optimize architectural quality by encouraging the use of quality materials, particularly as accents and authentic detailing, such as balconies and window trims.

The project includes quality materials that will complement the buildings and adjacent properties. Each unit includes a balcony and/or front porch. Facades include different breaks in the elevations to provide interest throughout the project.

Policy CNF-8.5 Building Façade. On all sides of buildings, require the incorporation of quality architectural design elements for all building facades and stepping back upper floors in order to reduce bulk and mass and to break up monotonous wall lines.

Quality materials and elements are included on all four sides of each building. Building façade changes are included to break up building monotonous wall lines, which includes providing balconies and/or porches for each unit.

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

The proposed country modern architecture provides variety while complementing the adjacent existing and approved residences.

Policy CNF-11.7 Clustering of Residential Units. Encourage the clustering of residential units to provide open space and recreation areas, and to provide buffer area between different land uses.

While providing a variety of building sizes, from two-unit buildings to 10-unit buildings, the project clusters the units in a manner that allows for three open park areas dispersed throughout the site.

The project is consistent with the Block Four BLMP Development Standards in that the project provides a horizontal mixture of residential and commercial uses, provides between 7-24 units per acre, is within the maximum Floor Area Ratio of 0.5 for the commercial structure, and establishes how individual development projects will connect with each other in the future.

As required in Block Four of the BLMP, a commercial use would be established at the site on the southeast corner of Monterey Road at the new intersection opposite Old Monterey Road. The adjacent specimen trees will be preserved as a key public feature for the project and a clear connection between the commercial and residential uses has been indicated with crossings and crosswalks. In addition, primary entrances for new building are oriented toward the street with parking placed behind buildings, where feasible.

b. **The proposed project complies with all applicable provisions of the Zoning Code and Municipal Code.**

The proposal is consistent with all provisions in the Block Four BLMP Development Standards and Zoning Code as demonstrated in the consistency tables provided below.

Mixed Use Flex Standards

	Required		Proposed	
	Non-Res.	Residential	Non-Res.	Residential
Height	4-stories and 55-feet		3-stories and 43-feet	
Setbacks				
Front	10	15	10 min	15 min

Rear	10	20	NA	20 min
Interior Side Min	0	5	NA	10 min

Parking

Government Code Sections 65915(b)(1)(D) and (d)(2)(A) requires the City to grant one incentive or concession for projects that include at least ten percent (10%) affordable units. Incentives or concessions are considered waivers or reductions in development standards, including but not limited to height limitations, setbacks, floor area ratio, onsite open-space requirements or parking ratios. This project will include 15 below market rate (BMR) units (15 percent) and is entitled to one incentive or concession.

The Morgan Hill Municipal Code requires 10 parking stalls for the commercial and 282 parking stalls for the residential and live work units. Because the project qualifies for a parking concession, Government Code Section 65915, Subsection (p) provides maximum parking ratios that prohibit the City from requiring more than 223 parking stalls for the non-commercial portion of the project as summarized in the table below.

Use	Square footage / Number of units	Muni-code Ratio	Gov. code Ratio	Muni-code requirement	Gov. Code Requirement	Proposed
Commercial	2,423 square feet	1/250 square feet	-	10	-	10
2 bedrooms	10	2/unit	2/unit	20	20	20
3 bedrooms	50	2.5/unit	2/unit	125	100	100
3 bed with 4 th bed option	41	2.5/unit	2.5/unit	103	103	103
Guest Parking	101	1/3 units	None	34	None	21
Total				282	223	254

For the non-commercial portion of the project, the applicant requested a concession from the Municipal Code requirement to reduce total parking by 38 stalls and will provide a total of 244 non-commercial spaces. This includes two covered parking stalls per household, ten stalls for the commercial space and 21 guest spaces.

Pursuant to Morgan Hill Municipal Code Chapter 18.48, granting of concessions requires City Council approval. The parking concession request was considered by the City Council at the March 18, 2020 City Council meeting and the request was found consistent with the Government Code (Attachment 7).

Open Space and Park Areas

The proposed project includes three large open space park areas (14,668 square feet, 13,344 square feet, and 7,544 square feet) evenly dispersed throughout the site. The

parks include a number of amenities including but not limited to: a basketball court, shaded seating areas, BBQ areas, a tot lot play structure, and passive open space areas.

Trees

Section 12.32.030 (Permit-Required) of the City of Morgan Hill's Municipal Code requires the approval of a tree removal permit prior to the removal of any Ordinance Sized Trees, defined as a non-indigenous tree with a circumference greater than 40 inches (approximately 12.7 inch diameter) or any indigenous tree with circumference greater than 18 inches (approximately 5.7 inches diameter). According to the City's Code, nonindigenous tree species in residential zones and orchards (including individual fruit trees) are not considered Ordinance Sized Trees. Indigenous tree means any tree native to the Morgan Hill region, such as oaks (all types), Sycamore, California Bay, Madrone, or Alder.

The project site contains a total of 60 trees with diameters greater than four inches. Of the 60 trees, 39 are native species with a diameter greater than 5.7 inches and, thus, are considered Ordinance Sized Trees. The proposed project would:

- Preserve 18 trees
- Remove 19 due to development
- Remove 14 due to poor health
- Preserve 9 off site

Trees to be preserved would require preservation and/or protection measures. As a Condition of Approval, the developer will plant two trees for every one tree to be removed.

- c. **The proposed project substantially complies with all applicable design standards and guidelines contained in the Design Review Handbook.**

The proposed project is in compliance with all applicable design standards and guidelines contained in the Design Review Handbook.

- d. **The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**

An Initial Study and Mitigated Negative Declaration (MND) has been prepared for the project in compliance with Section 15070 as further discussed in the CEQA section of this report.

- e. **The proposed project development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

The development of this lot is consistent with the vision of the BLMP for Block Four and the MU-F land Use designation within the General Plan. The project and circulation were designed to Vision Zero standards. The project enhances circulation by completing the fourth leg of an intersection and provides public access by adding sidewalks. The project will comply with stormwater and building code requirements. The project will not be detrimental to the public health, safety, or welfare as analyzed within the Initial Study, and will not be materially injurious to the properties or improvements in the vicinity.

- f. **The proposed project complies with all Design Review criteria in subsection H. of Section 18.108.040 of the municipal code.**

The project as proposed complies with all criteria in subsection H of Section 18.108.040 (Design Review Criteria) of the Morgan Hill Municipal Code.

- g. **For new residential development, the project complies with commitments made through the Residential Development Control System (RDSCS).**

Commitment requirements of RDSCS are temporarily suspended until 2025 as a response to Government Code Section 65589.5 "Housing Crisis Act of 2019".

California Environmental Quality Act (CEQA):

An Initial Study/Mitigated Negative Declaration (IS/MND) has been completed for the project in accordance with the requirements of CEQA. The IS/MND was circulated for 30-days from February 14, 2020 to March 16, 2020. A copy of the IS and MND are attached (Attachment 8 and 9). Impacts identified within the study include:

Biological Resources

- a. **Burrowing Owl:** The project site is located outside of the Santa Clara Valley Habitat Plan (SCVHP) burrowing owl fee area and is not identified in the plan as an occupied nesting burrowing Owl habitat. Burrowing Owls do not require a specific vegetation cover or soil type and typically use vacated burrow dug by small mammals as nesting habitats. However, out of an abundance of caution, in the professional judgment of the project biological consultant, the project site should be considered potential nesting/overwintering habitat given that California ground squirrel burrows were found during the November 17, 2019 site visit. Such burrows represent potential nest sites for western burrowing owls. As such, should site grading occur during the nesting season for the species (February 1 through August 31), nests and nestlings potentially present on the site could be adversely affected by the proposed development, and a potentially significant impact could occur.
- b. **Nesting Migratory Birds and Raptors:** Based upon the Biological Assessment prepared for the project, the existing on-site trees represent potential nesting habitat for nesting and migratory birds protected by the MBTA, such as special-

status white-tailed kite, Swainson's hawk, and tricolored blackbird. White-tailed kite is a CDFW Fully-Protected Species. Swainson's hawk and tricolored blackbird are State-listed threatened species.

The grassland within the site provides suitable foraging habitat for such species. In addition, the site is located within 250 feet of the Butterfield Retention Basin, which represents potential nesting substrate for tricolored blackbird; per the SCVHCP, the northern portion of the project site is located within a designated wildlife survey area for the species. The on-site trees represent potential nesting structure for white-tailed kite and Swainson's hawk. Therefore, project construction activities, including initial site grading, soil excavation, and/or tree and vegetation removal occurring during the nesting period for migratory birds (typically between February 1 to August 31) could have the potential to result in nest abandonment or death of any live eggs or young, should migratory birds or their nests be present within or near the project site. In such an event, the proposed project could result in a potentially significant impact.

Implementation of mitigation measures, as provided in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment 10) would reduce the above potential impacts to a less-than-significant level.

Noise

- a. **Exterior Noise:** Ambient noise levels at the project site are defined primarily by traffic noise along Monterey Road and train activity associated with the adjacent UPRR tracks. The proposed project would include construction of an eight-foot-tall solid barrier along the length of the eastern site boundary, adjacent to the UPRR right-of-way, which would help to shield the proposed structures from train noise associated with the tracks. The barrier can be constructed from wood, concrete, or other material, such as a gapless wood fence. In addition, the project would include a 42-inch tall decorative screen wall/sound attenuation feature along the southwest side of the proposed bocce ball court, to be located near the site entrance at Monterey Road. Pursuant to the Noise Analysis, with construction of the eight-foot-tall barrier and the sound attenuation feature at the bocce ball court, exterior noise levels at the proposed residences and outdoor recreation areas would comply with the City's 65 dB Ldn standard for traffic noise exposure, as well as the City's 70 dB Ldn standard for rail noise exposure, recognizing that train noise is characterized by relatively few loud events.

Policy CNF-8.14 Sound Walls. Minimize the use of sound walls to situations where they are required to meet noise standards and other forms of mitigations are not available. Use techniques less visually disturbing than sound walls, including but not limited to earth berms and intervening placement of non-sensitive buildings when requiring noise impact mitigations of new and/or expanded development.

- b. **Interior Noise:** The General Plan requires interior noise levels be 45 dB Ldn or

below. To achieve this level, a Condition of Approval has been provided requiring project compliance with the applicable recommendations in the Noise Analysis related to exterior glazing and exterior glass door sound transmission class (STC) ratings, as well as recommendations related to inclusion of solid balcony railings with a minimum height of 46 inches for buildings within 'Zone A' (as shown in Figure 1, Noise Zones, of the Noise Analysis). As noted in the Noise Analysis, compliance with such recommendations would ensure that interior noise levels would be reduced to below the applicable 45 dB Ldn standard.

Operation of the proposed project would not result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the City's General Plan and the Municipal Code. However, considering the potential for construction activities to conflict with standards established by Section 8.28.040 (Enumeration of unlawful noises) of the City's Municipal Code, the proposed project could result in a potentially significant impact related to temporary increases in ambient noise levels in the project area, and mitigation measures will be incorporated into the project to address short-term construction impacts.

Hazardous Materials

Due to the historical use of the site for agricultural purposes, the potential exists that residual pesticides or heavy metals associated with prior herbicide application could be present on the site. In addition, because metal-containing herbicides are commonly applied along rail lines for weed control, the potential exists for the soils in the vicinity of the existing UPRR tracks along the northeastern site boundary to be contaminated by lead and arsenic. The soil was tested and concludes based on the results of the sample analysis that pesticides, lead, and arsenic do not represent an environmental concern, and further action related to the on-site soils is not required.

The site has a mobile home that was built prior to 1980 and although a septic system was not observed during a site visit, the home does not appear to be connected to the City's sewer infrastructure. In addition, the potential exists that asbestos-containing materials were used in the construction of the residential structure and outbuildings on-site. The proposed project would include demolition of the mobile home. Therefore, without implementation of the appropriate safety measures, the proposed project could potentially expose construction workers during structure demolition to Lead-based paint (LBP) and asbestos-containing materials.

If the existing mobile home is served by a septic system, proper abandonment of the septic system would be required prior to demolition of the mobile home. If the existing on-site structures were constructed prior to the banning of asbestos-containing materials and LBP, the potential exists for asbestos-containing materials and LBP to be present in the on-site structures. Therefore, there is the potential for a significant hazard to the public with removal of the mobile home; therefore, mitigation measures have been incorporated into the project.

A MMRP has been prepared 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 Mitigation Measures.

CONCLUSION:

The project has been found to be consistent with the General Plan, BLMP Land Use Regulations- Block Four, Zoning Code, Subdivision Map Act, and CEQA. Staff recommends that the Planning Commission approve the Mitigated Negative Declaration, Vesting Tentative Map and Design Review Permit subject to the Conditions of Approval.

COMMUNITY ENGAGEMENT

The proposed project was publicly noticed (mailed to property owners within 600 feet of the Project and newspaper legal notice) for the minimum 10-day period and a sign has been posted at the property location pursuant to Planning Division requirements.

LINKS/ATTACHMENTS:

1. MND Resolution
2. Vesting Tentative Map Resolution
3. Vesting Tentative Map
4. Design Review Permit Resolution
5. Design Review Project Plans
6. Ord. 2298
7. City Council Staff Report-March 18, 2020
8. Initial Study
9. Mitigated Negative Declaration
10. Mitigation Monitoring and Reporting Program
11. Staff Presentation City Ventures - Monterey
12. Applicants Presentation
- 13.01 Supplement 1

RESOLUTION NO. 20-XX**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 – CITY VENTURES PROJECT (MONTEREY GATEWAY PROJECT) LOCATED AT 18110 MONTEREY ROAD (APN 726-25-006)**

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 – City Ventures Project (Planning File No's. SD2019-0004, SR2019-0026, EA2019-0019) 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 – City Ventures Project ("Project") analyzed under the Initial Study/Mitigated Negative Declaration consisted of the request to subdivide the property for 101 residential units and commercial space, and Design Review for property located adjacent to the railroad tracks, east of the Monterey Road and Old Monterey Road intersection at 18110 Monterey Road. (APN: 726-25-006); 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 Development Services Director of the Development Services 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 Development Services Department, Planning Division, located at 17575 Peak Avenue, Morgan Hill CA 95037 and (2) due to the March 16, 2020 Santa Clara County Public Health Department Order to shelter in place, the complete documents are available for inspection by any interested person on-line at <https://www.morgan-hill.ca.gov/1951/Monterey-City-Ventures-Monterey-Gateway-> rather than in person.

PASSED AND ADOPTED THIS 24th DAY OF MARCH 2020, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

City of Morgan Hill
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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: _____

Attachment: MND Resolution [Revision 2] (2664 : Monterey - City Ventures)

RESOLUTION NO. 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A VESTING TENTATIVE MAP FOR A MIXED-USE SUBDIVISION THAT INCLUDES 97 MULTI-FAMILY UNITS, FOUR LIVE-WORK UNITS AND 2,423 SQUARE-FOOT COMMERCIAL SPACE LOCATED AT 18110 MONTEREY ROAD (APN: 726-25-006)

WHEREAS, on August 30 2019, City Ventures submitted an application for a Vesting Tentative Map for a mixed-use subdivision that includes 97 multi-family units, four live work units and 2,423 square feet of commercial spaces located at 18110 Monterey Road (SD2019-0004; Monterey – City Ventures);

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

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 Initial Study (IS), Mitigated Negative Declaration (MND) and Mitigation Monitoring Report Program (MMRP) prepared for the project is incorporated, by this reference, into this Resolution as if fully set forth herein; and

WHEREAS, although the proposed project could have a significant effect on the environment, because all potentially significant effects have been (a) analyzed adequately in IS/MND and (b) have been avoided or mitigated pursuant to the MMRP which includes measures that are imposed upon the Project and reduces potential impacts to a less than significant level and is consistent with Section 15070 of CEQA Guidelines.

WHEREAS, the proposed project is consistent with the development assumptions in the Block Level Master Plan, Block Four and is consistent with the General Plan land use designation of MU-F, the environmental analysis contained in the IS/MND tiers, where applicable, from the General Plan EIR in accordance with CEQA Guidelines Section 15152; 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, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

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SECTION 1. The Tentative Subdivision Map, together with its provisions for its design and improvements, is consistent with the General Plan and Block Level Master Plan, Block Four.

The Tentative Map has been designed consistent with the City's General Plan and Block Four, Block Level Master Plan in considering neighborhood circulation patterns and providing future connection.

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

The tentative map with proposed development is consistent with the General Plan as explained above. The map meets the lot dimension minimums and includes the appropriate frontage, on-site, and off-site improvements with land dedications which concludes consistency with the Zoning Ordinance and Specific Plans.

PASSED AND ADOPTED THIS 24th DAY OF MARCH 2020, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

JUAN MIGUEL MUNOZ MORRIS, Chair

Attachment: Vesting Tentative Map Resolution [Revision 6] (2664 : Monterey - City Ventures)

City of Morgan Hill
Resolution No.
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A F F I D A V I T

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

By: _____

Date: _____

EXHIBIT A

APPLICATION NO: SD2019-0026: MONTEREY – CITY VENTURES

THE FOLLOWING APPROVAL REQUIREMENTS AND ANY SPECIAL CONDITIONS SHALL BE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS.

Legend

MHMC= Morgan Hill Municipal Code
MHARH= Morgan Hill Architectural Review Handbook
CMH= City of Morgan Hill
CFC= California Fire Code

I. PROJECT DESCRIPTION

Vesting Tentative Map to subdivide the project site into two parcels to develop 101 multi-family units, a commercial/retail building, and associated improvements.

The project shall comply with all requirements of related project approvals granted by the City, including all of the following:

- A. Initial Study/Mitigated Negative Declaration- March 24, 2020 (EA2019-0019)

II. PROJECT MITIGATION MEASURES

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

- A. **MM-BIO-1 (IV-1(a)):** Consistent with Condition 15 of the Santa Clara Valley Habitat Plan, prior to any ground disturbance related to covered activities, a qualified biologist will conduct preconstruction surveys in all suitable habitat areas as identified during habitat surveys. The purpose of the preconstruction surveys is to document the presence or absence of burrowing owls on the project site, particularly in areas within 250 feet of construction activity.

To maximize the likelihood of detecting owls, the preconstruction survey will last a minimum of three hours. The survey will begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset and continue until 1 hour after sunset. Additional time may be required for large project sites. A minimum of two surveys will be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their location will be mapped.

Surveys will conclude no more than 2 calendar days prior to construction. Therefore, the project proponent must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last minute changes in schedule or contracting that may occur if burrowing owls are found, the project proponent may also conduct a preliminary survey up to 14 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction. If burrowing owls are not identified, further action is not required.

- B. **MM-BIO-2 (IV-1(b)):** 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.
- C. **MM-BIO-3 (IV-1(c)):** 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.

- D. **MM-BIO-4 (IV-2(a)):** 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, no further mitigation is required and 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 migratory birds or 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.

- E. **MM-BIO-5 (IV-2(b)):** If construction activities occur between February 1 and August 31, the applicant shall conduct surveys for Swainson's hawk and white-tailed kite in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000), or current guidance. Surveys will cover a minimum of a 0.5-mile radius around the construction area. If nesting Swainson's hawks or white-tailed kites are detected, a no-disturbance buffer shall be established as determined by the qualified biologist, but shall not be less than 500 feet. Buffers shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.

If potential nesting trees are to be removed during construction activities, removal shall take place outside of Swainson's hawk and white-tailed kite nesting season and CDFW will develop a plan to replace known nest trees at a ratio of 3:1. Potential nest trees shall include those trees with current (at the time of the surveys) or documented historic use by Swainson's hawk or white-tailed kites for nesting. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for the mitigation will be 65% survival of all replacement plantings.

- F. **MM-BIO-6 (IV-3):** Consistent with Condition 17 of the Santa Clara Valley Habitat Plan, prior to any ground disturbance related to covered activities, a qualified biologist shall investigate whether the nearby Butterfield Retention Basin has been occupied by nesting tricolored blackbirds within the past 5 years. This shall include checking the California Natural Diversity Database, contacting local experts, and conducting a preconstruction survey in all accessible areas identified as supporting potential tricolored blackbird nesting habitat. The survey shall document the current, and to the extent possible, historical presence or absence of nesting colonies of tricolored blackbird. Surveys shall conclude no more than two calendar days prior to construction. If a tricolored blackbird nesting colony is present or has been within the past 5 years, a 250-foot buffer shall be applied from the outer edge of all hydrophytic vegetation associated with the site and the site plus buffer shall be avoided. The Wildlife Agencies shall be notified immediately of nest locations. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction. If current or recent tricolored blackbird nesting colonies are not identified, further action is not required.

If construction takes place during the breeding season when an active colony is present, a qualified biologist shall monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer shall be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction shall cease until the colony abandons the site or until the end of the breeding season, whichever occurs first. The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that tricolored blackbirds fly into an active construction zone (i.e., outside the buffer zone).

- G. **MM-BIO-7 (IV-4):** The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

For the Ordinance Sized Trees 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.

H. **BIO-8 (IV-5):** 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.

I. **MM-HAZ-1 (IX-1):** If the project site is found to contain an existing septic system associated with the mobile home, the project applicant shall submit an application for Septic/Onsite Wastewater Treatment System Abandonment to the Santa Clara County Department of Environmental Health, Consumer Protection Division. After approval has been obtained, the septic system shall be abandoned consistent with the County's Septic Tank Abandonment Procedures.

Proof of abandonment shall be provided to the City of Morgan Hill Development Services Department prior to issuance of a demolition permit.

J. **MM-HAZ-2 (IX-2):** Prior to issuance of a demolition permit for the on-site structure, the Developer shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Department an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.

K. **MM- NOI-1 (XIII-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.

L. **MM-NOI-2 (XIII-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.

M. **MM- NOI-3 (XIII-3):** During construction activities associated with the proposed project, any compaction required within 25 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department.

II. PROJECT CONDITIONS OF APPROVAL

PLANNING DIVISION

This Vesting Tentative Map approval is limited to the plan set dated January 22, 2020 on file SD2019-0004 with the Development Services Department. These documents, as amended by Design Review approval, show the location and sizes of all lots in this

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development, the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

The Final Map shall be in substantial compliance with the approved Vesting Tentative Map as determined by the City Engineer and Development Services Director.

DEFENSE AND INDEMNITY

- A. As part of, and in connection, with this application to the City of Morgan Hill, 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 application 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 the Applicant or 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.

TIME LIMITS

- A. **Term:** The Tentative Subdivision Map approval granted under this Resolution shall remain in effect for two years to March 24, 2022. Failure to apply for Final Map approval with the City Engineer within this term shall result in expiration of approval unless an extension of time is granted by the Development Services Department/Planning Commission prior to the expiration date. **(MHMC 17.20.170; 17.24.110)**

SITE DEVELOPMENT

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- A. **Parcels:** Prior to filing for a Final Map Parcel No. 2 identified on the Vesting Tentative Map as being located within the floodplain shall be re-designated Parcel "A". This parcel shall not be a buildable parcel.
- B. **Street Names:** Street names, private or otherwise, used to identify building locations shall be submitted to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council (Resolution No. 4601) and CP 94-13.

HABITAT PLAN

- A. **Fees:** The approved project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
- B. **Application Package:** Prior to issuance of a grading permit, the project shall complete and submit a Habitat Plan Application Package. All fees shall be paid prior to issuance of a grading permit. **(MHMC 18.132)**
- C. **Conditions:** 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)**

GENERAL

- A. **Recordation of Map:** The recordation of the final map shall not be completed until approval of the Design Review Permit is completed.
- B. **Signed copies of Approval Certificate:** Submit two (2) signed copies of the Approval Certificate to the Planning Division prior to issuance of a building permit.

ENGINEERING DIVISION

- A. **Stormwater Management:** Project will submit Storm Water Runoff Management Plan (SWRMP) per template as shown on item P of the NPDES Water Quality Stormwater Management Development Standards for all project sections.
- B. **Infiltration Rates:** Submit site-specific infiltration rates at the location of the BMP/retention facility. Percolation test shall be submitted with improvement plan submittal.
- C. **Private Drive:** Pavement section of private drive shall meet the minimum standard of the public street sections.

- D. **Sanitary System.** Sanitary system shall be private. Developer shall enter into Sanitary Operation and Maintenance agreement with the City to ensure the private system will be maintained on a regular basis.
- E. **Backflow Device.** Fire service laterals have the require backflow device.
- F. **Irrigation Laterals.** Irrigation laterals shall be metered with the required backflow device.
- G. **Traffic Signal.** Traffic signal modification plan at entry intersection to be submitted with improvement plan set.
- H. **Restriping.** Project shall provide restriping of the left turn pocket east bound into the project as needed.
- I. **Recordation Fees.** Map recordation fees are due prior to recordation of the Parcel/Final Map.
- J. **Impact Fees.** Public Works impact fees are due prior to occupancy of each unit.
NOTE: Each unit's impact fees will be based on the most current fee schedule at the time of the unit's Building Permit issuance.

GENERAL

- A. **Public and Private Improvements.** The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. (MHMC 12.02.090 A; 17.32.010 A)
- B. **Preparation of Final Map.** The applicant shall have a Final Map prepared by a registered engineer (licensed prior to 01/01/1982: registration number 33,965 or lower) or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be set as required by the City Engineer. (MHMC 17.20.200 A; 17.20.290; 17.24.010)
- C. **Profiles.** The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Map. (MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)
- D. **Encroachment Permits.** Obtain necessary encroachment permits from the City of Morgan Hill and provide guarantee covering off-site improvements. (MHMC 12.08.040 A; 12.08.090)

- E. **Improvement Plans.** Improvement plans are to show water lines, sanitary Sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- F. **Improvement Agreement.** Enter into a Subdivision Improvement Agreement (SIA) with the City of Morgan Hill to cover required improvements. (MHMC 12.02.150; 17.32.010 B; 17.32.160)
- G. **Reciprocal Access Easement.** Reciprocal access easements consistent with the vesting tentative map and maintenance requirements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's, which shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. (MHMC 17.20.350 H)
- H. **Impact Fee Increase.** The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. (MHMC 3.56.010; 3.56.030; 3.56.050)

STREET IMPROVEMENTS

- A. **Public and Private Streets.** The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the satisfaction of the City Engineer. The timing of the improvements will be determined by the City. (MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)
- B. **Installation and Dedication of Streets.** The project shall install and dedicate street improvement, consistent with the vesting tentative map, including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. (MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)
- C. **Underground existing utilities.** Underground existing utilities: all existing overhead utilities adjacent to any site boundary or along any street frontage of site shall be placed underground in accordance with City standards and affected utility company guidelines. (MHMC 12.02.090 B; 17.32.020 E.1)

- D. **Broadband Connectivity.** The project provides the following broadband connectivity to the project:
- a. Broadband conduit installed in the public right-of-way to serve the project.
 - b. Broadband conduit from the public right-of-way to each home or occupied building in the project.
 - c. Pre-install indoor conduit, wiring and other necessary infrastructure so that broadband service may be provided to each unit. (GP Action Items SSI-18.A and SSI-18.B)

SANITARY SEWER SYSTEM

- A. **Design of Sewer Improvements.** The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on the proposed public street(s) or private street(s)/drive aisle(s). The sanitary collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye-branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. (MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction)
- B. **Sewer Connections:** All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. (MHMC 13.24.060; 17.32.20 C)

STORM DRAIN SYSTEM

- A. **Storm Drainage Study.** A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (MHMC 17.32.020 B; 17.32.090; CMH Design Standards and Standard Details for Construction)
- B. **Storm Drainage Design.** The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Site Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. (MHMC 17.32.020 A & B)
- C. **Storm Drainage Capacity.** Collection system shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry a 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), surface and

subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. Note: the project may be required to retain stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows. (MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)

- D. **Storm Drainage General Requirements.** Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the City Engineer.
1. Storm drain calculations to determine detention/retention pond sizing and operations.
 2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control. (CMH Design Standards and Standard Details for Construction)
- E. **Best Management Practices.** BMP Tree protection shall be part of the SWPPP inspections.
- F. **NPDES Construction Activity General Permit/SWPPP Requirements.** As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Land Development Engineering. A Waste Discharger Identification (WDID) number will be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WIDI number and approved SWPPP Manual shall be provided to Land Development Engineering Division and the Building Division prior to any approval of grading activities (SWRCB NPDES General Permit CA000002).
- G. **NPDES General Permit/Site SWPPP Inspections and Compliance.**

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

*BMPs maintenance/inspections shall include tree protection if applicable

WATER SYSTEM

- A. **Domestic Water System.** The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the City Engineer. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the City Engineer and dedicated to the City. (MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan)
- B. **Water well abandonment.** Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District (SCVWD) Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly

registered with the SCVWD and either be maintained or abandoned in accordance with SCVWD standards.

- C. **Water line extension.** Installation of water line extension on the proposed public streets and/or private streets. (MHMC 17.32.020 A & D; CMH Water System Master Plan)
- D. **Separate meters.** Provide separate water services and meters for each lot. These are to be installed by developer. (MHMC 17.32.020 D)

OTHER CONDITIONS

- A. **Easement Dedications.** The owner shall dedicate all necessary utility easements consistent with the vesting tentative map. (MHMC 12.02.080 D; 17.28.010 A)
- B. **Undergrounding Utilities.** The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the City Engineer. (MHMC 17.32.020 E.1)
- C. **Final Map.** The final map on all major subdivision (5 or more lots) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivision (4 lots or less), the final map shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit. (MHMC 17.20.390; 17.24.210)
- D. **Landscaping and Irrigation Systems.** Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the Homeowner's Association.
- E. **Final Landscape Plans.** Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. (MHMC 17.08.090)
- F. **Pre-construction Meeting.** Prior to commencing grading activity, the developer shall schedule a preconstruction meeting with the Engineering Land Development with the following project team members:
 1. Civil Engineer of record.
 2. Geotechnical Engineer of record.
 3. Third Party QSD/QSP SWPPP Inspector.
 4. General Contractor.

5. Sub Contractors.

NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS FOR ALL PROJECTS

- A. **State Water Resources Control Board Post Construction Requirements (PCRs).** Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml). A copy of the guidance manual can be obtained through the Land Development Engineering's internet site. Project shall provide Stormwater Control Plan Checklist and applicable calculations per the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements:
- a. Performance Requirement 1: Site Design and Runoff Reduction
 - b. Performance Requirement 2: Water Quality Treatment
 - c. Performance Requirement 3: Runoff Retention
 - d. Performance Requirement 4: Peak Management
- B. **Peak Storm Water Runoff Discharge Rates.** Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows.
- C. **Conserve Natural Areas.** If applicable, the following items are required and must be implemented in the site layout during the subdivision design and approval process, consistent with applicable General Plan and Local Area Plan policies:
- 1. Concentrate or cluster Development on portions of a site while leaving the remaining land in a natural undisturbed condition.
 - 2. Limit clearing and grading of native vegetation at a site to the minimum amount needed to build lots, allow access, and provide fire protection.

3. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
 4. Promote natural vegetation by using parking lot islands and other landscaped areas. Preserve riparian areas and wetlands.
- D. **Minimize Storm Water Pollutants of Concern.** Storm water runoff from a site has the potential to contribute oil and grease, suspended solids, metals, gasoline, pesticides, and pathogens to the storm water conveyance system. The development must be designed so as to minimize, to the maximum extent practicable, the introduction of pollutants of concern that may result in significant impacts, generated from site runoff of directly connected impervious areas (DCIA), to the storm water conveyance system as approved by the building official. Pollutants of concern consist of any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water, elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bio-accumulate in organisms therein, or the detectable inputs of the pollutant are at concentrations or loads considered potentially toxic to humans and/or flora and fauna.
- In meeting this specific requirement, “minimization of the pollutants of concern” will require the incorporation of a BMP or combination of BMPs best suited to maximize the reduction of pollutant loadings in that runoff to the Maximum Extent Practicable. Those BMPs best suited for that purpose are those listed in:
1. [California Stormwater Quality Association \(CASQA\) Handbook: BMPs for New Development and Redevelopment](#)
 2. [Bay Area Stormwater Management Agencies Association \(BASMAA\) Design Guidance Manual for Stormwater Quality Protection: Start at the Source 1999](#)
 3. [California Storm Water Best Management Practices Handbooks](#)
 4. [Caltrans Storm Water Quality Handbook: Planning and Design Staff Guide](#)
- E. **Protect Slopes and Channels.** Project plans must include BMPs per the [Santa Clara Valley Water Resource Protection Collaborative: Guidelines and Standards for Land Use Near Streams](#) to decrease the potential of slopes and/or channels from eroding and impacting storm water runoff; at a minimum the following shall be addressed:
1. Convey runoff safely from the tops of slopes and stabilize disturbed slopes.
 2. Utilize natural drainage systems to the maximum extent practicable.
 3. Stabilize permanent channel crossings.

4. Vegetate slopes with native or drought tolerant vegetation, as appropriate.
 5. Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion, with the approval of all agencies with jurisdiction, e.g., Santa Clara Valley Water District, the U.S. Army Corps of Engineers, and the California Department of Fish and Game.
 6. Project shall not grade within 30 feet of a perennial or intermittent stream (top of bank) or within 30 feet of riparian habitat.
- F. **Provide Storm Drain System Stenciling and Signage.** Storm drain stencils are highly visible source controls that are typically placed directly adjacent to storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.
- G. **Properly Design Outdoor Material Storage Areas.** Outdoor material storage areas refer to storage areas or storage facilities solely for the storage of materials. Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the storm water conveyance system, the following Structural or Treatment BMPs are required:
1. Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
 2. The storage area must be paved and sufficiently impervious to contain leaks and spills.
 3. The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

- H. **Properly Design Trash Enclosure Areas.** All trash enclosure areas must meet the following Structural or Treatment Control BMP requirements (individual single-family residences are exempt from these requirements):
1. **Roof Required:** Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents
 - a. **Walls Required:** Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 - b. **Doors:** Trash enclosure shall have door(s) which can be secured when closed.
 - c. **Grades:** The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
 - d. **Drain Inlet:** Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.
- I. **Design Standards for Structural or Treatment Control BMPs.** The post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow- based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:
1. **Volumetric Treatment Control BMP:**
 - a. The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
 - b. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (2003); or
 - c. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.
 2. **Flow Based Treatment Control BMP:**
 - a. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or

- b. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.
- J. **Stormwater Runoff Management Plan (SWRMP) required.** The stormwater runoff management plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.
 1. The stormwater runoff management plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved stormwater runoff management plan.
 2. The City Engineer or designee may require a developer to provide a signed certification from the civil engineer responsible for preparing the stormwater runoff management plan that all stormwater best management practices have been designed to meet the requirements of this chapter.
 3. Each certifying civil engineer shall establish to the city's satisfaction that such person has been trained on the design of stormwater quality best management practices not more than three years prior to the certification signature date.
 4. Qualifying training shall be conducted by an organization with stormwater quality management expertise, such as a university, the Bay Area Stormwater Management Agencies Association, the American Society of Civil Engineers, the American Public Works Association, or the California Water Environment Association.
 5. For template format see Item O below. A word document can be provided by the Engineering Division.
- K. **Stormwater BMP Operation, Maintenance, and Replacement Responsibility.**
 1. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the city.
 2. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.
 3. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the

maintenance. This maintenance schedule shall be included with the approved stormwater runoff management plan.

L. Stormwater BMP Operation and Maintenance Agreement (SWBOMA)

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

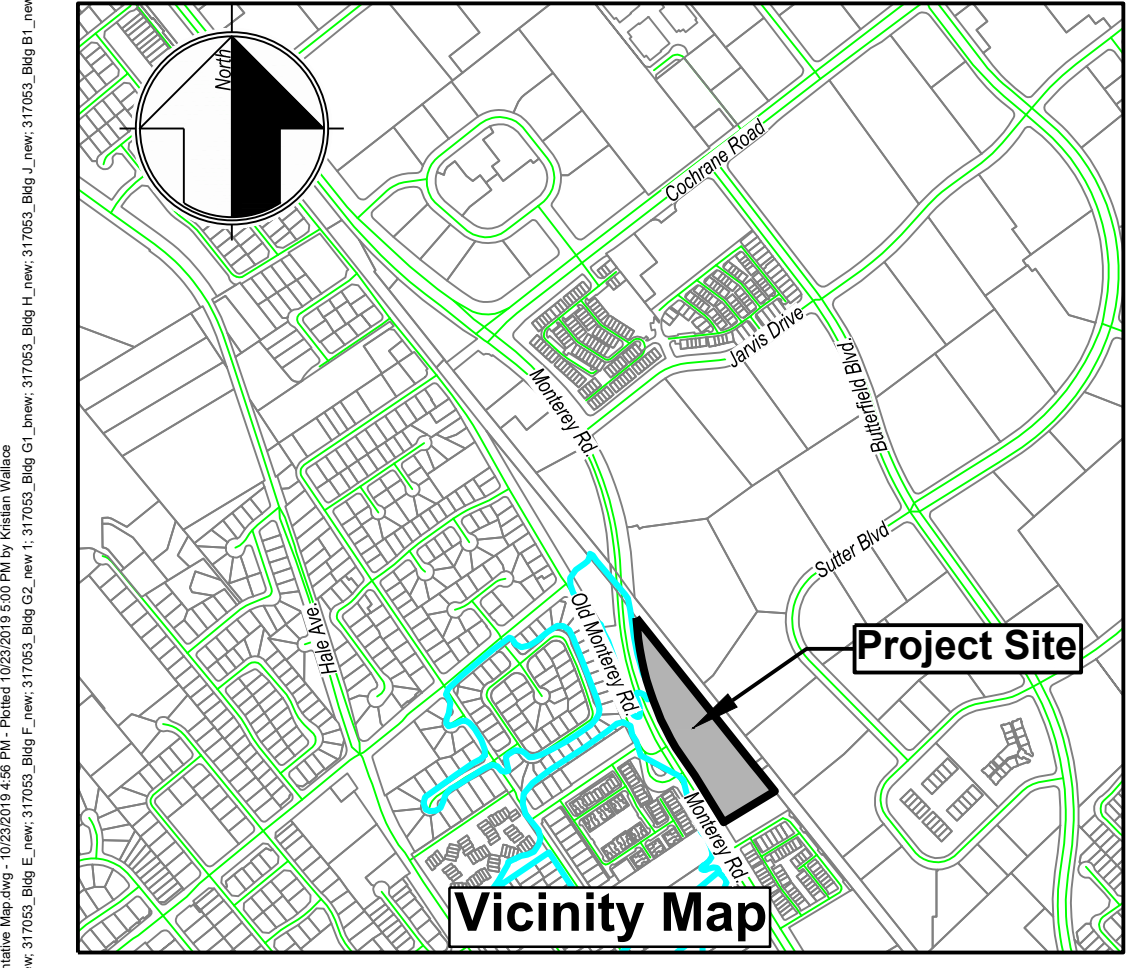
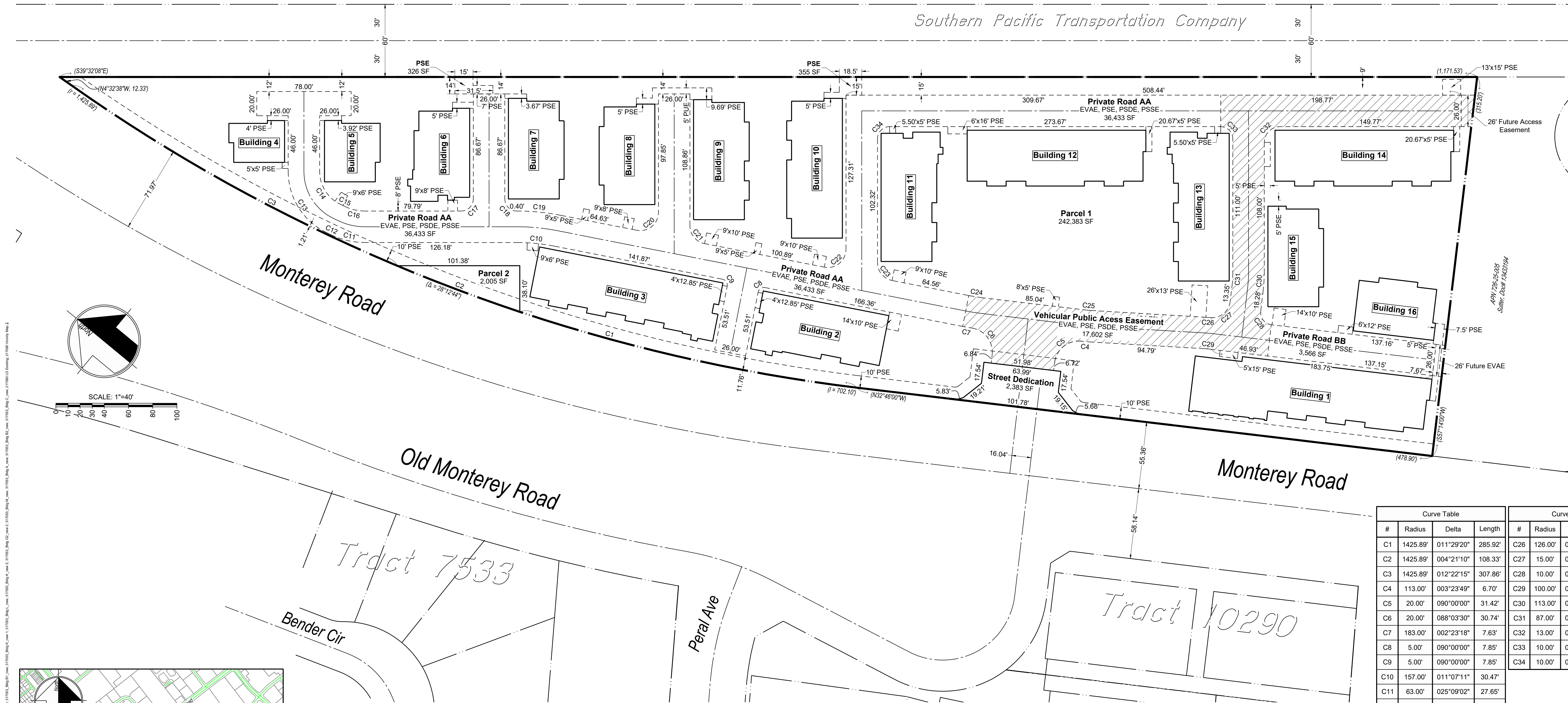
1. Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written stormwater BMP operation and maintenance agreement with the city. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs (City Standard Stormwater BMP Operation and Maintenance Agreement to be provided by Land Development Engineering).
2. The stormwater BMP operation and maintenance agreement shall require that the BMPs not be modified and BMP maintenance activities not alter the designed function of the facility from its original design unless approved by the City prior to the commencement of the proposed modification or maintenance activity.
3. The stormwater BMP operation and maintenance agreement shall provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the City shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.

M. Stormwater BMP Inspection Responsibility:

1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a Registered Civil Engineer (RCE).
2. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - a. Site address;
 - b. Date and time of inspection;
 - c. Name of the person conducting the inspection;

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- d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.
3. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering.
- N. **Records of Maintenance and Inspection Activities.** On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.
- O. **Annual Certification of SWRMP.** On or before September 30th of each year a Registered Civil Engineer (RCE) shall provide written certification that the developments stormwater quality design standards are properly maintained and functioning as required by the SWRMP.



Legend

Proposed	Existing	Description
		Project Property Boundary
		Property Line
		Centerline
		Easement
		Building Number
		Vehicular Public Access Easement

Abbreviations

	Centerline
	EVAE: Emergency Vehicle Access Easement
	Property Line
	PSE: Public Service Easement
	PSDE: Private Storm Drain Easement
	PSSE: Private Sanitary Sewer Easement

Curve Table				Curve Table			
#	Radius	Delta	Length	#	Radius	Delta	Length
C1	1425.89'	011°29'20"	285.92'	C26	128.00'	001°44'22"	3.83'
C2	1425.89'	004°21'10"	108.33'	C27	15.00'	088°20'33"	23.13'
C3	1425.89'	012°22'15"	307.86'	C28	10.00'	090°00'16"	15.71'
C4	113.00'	003°23'49"	6.70'	C29	100.00'	003°23'33"	5.92'
C5	20.00'	090°00'00"	31.42'	C30	113.00'	006°46'08"	13.35'
C6	20.00'	088°03'30"	30.74'	C31	87.00'	006°46'08"	10.28'
C7	183.00'	002°23'18"	7.63'	C32	13.00'	090°00'00"	20.42'
C8	5.00'	090°00'00"	7.85'	C33	10.00'	090°00'00"	15.71'
C9	5.00'	090°00'00"	7.85'	C34	10.00'	090°00'00"	15.71'
C10	157.00'	011°07'11"	30.47'				
C11	63.00'	025°09'02"	27.65'				
C12	1424.68'	000°11'46"	4.88'				
C13	56.00'	064°39'12"	63.19'				
C14	30.00'	064°39'12"	33.85'				
C15	1398.68'	000°11'46"	4.79'				
C16	37.00'	025°09'02"	16.24'				
C17	10.00'	090°00'00"	15.71'				
C18	10.00'	090°00'00"	15.71'				
C19	183.00'	011°07'11"	35.52'				
C20	15.00'	101°07'11"	26.47'				
C21	15.00'	078°52'49"	20.65'				
C22	15.00'	101°07'11"	26.47'				
C23	15.00'	078°52'49"	20.65'				
C24	157.00'	004°21'03"	11.92'				
C25	87.00'	003°23'49"	5.16'				

Project Information:

APN:	726-25-006
Present Use:	Vacant
Proposed Use:	Mixed
Present Zoning:	Mixed Use Flex (7-24 du/ac)
Proposed Zoning:	Mixed Use Flex (7-24 du/ac)
Sanitary Sewer:	City of Morgan Hill
Gas and Electric:	P&E
Water:	City of Morgan Hill
Telephone:	Verizon
Existing Improvements:	As Shown
Area:	5.665 ac
Topo:	Field Topo

Density Calcs:

Total Project Area:	5.665 ac
Dedicated Right-of-Way:	0.055 ac
Project Net Aarea:	5.61 ac
No. Units Allowed:	134 Units
No Units Proposed:	101 Units

Applicant/Owner:

City Ventures
4441 Spear Street, Suite 200
San Francisco, CA 94105

Engineer:

William J. McClintock, RCE 24893
MH Engineering
16075 Vineyard Blvd.
Morgan Hill, CA 95037
408.779.7381
billm@mhengineering.com

MONTEREY GATEWAY
MORGAN HILL, CA
CITY VENTURES, INC

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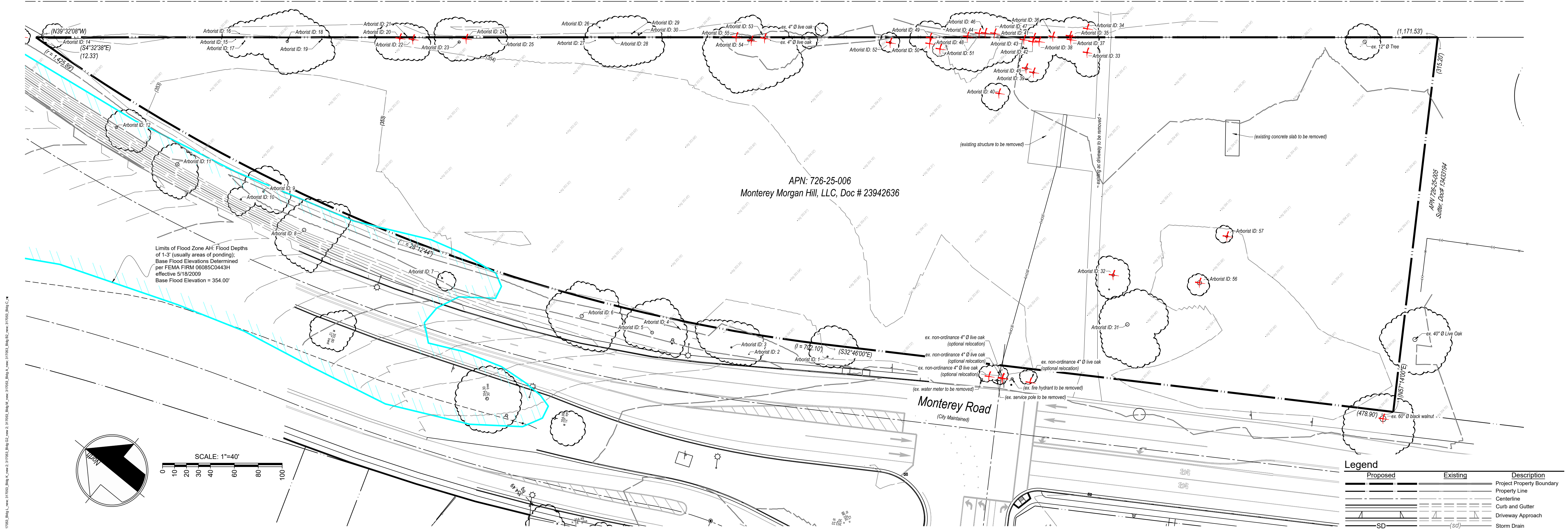
MH engineering Co.
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16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037
(408) 779-7381 FAX: (408) 226-5712

Vesting Tentative Map for Condominium Purposes "Monterey Gateway"
MORGAN HILL CALIFORNIA

CITY FILE NO. SD2019-0004
PLAN SET: 10/18/19
DRAWING: **C.1** of 8

DRAWN: KW DESIGN: WJM HOR: 1"=40'
CHECKED: DATE: VERT:
APPROVED: DATE: JOB NO. 217080.3
Soil C. Chw RCE 26879 CITY ENGINEER EXP. DATE 10-30-2021
SUPERVISED BY: SIGNATURE: DATE:

Southern Pacific Transportation Company



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Scale: 1"=40' (1:1600) Date: 10/20/2019

Trees to Remain		
Arborist ID	Trunk Diameter	Species
1	18	Red Oak
2	8, 6	Coast Live Oak
3	20	Coast Live Oak
4	5.5	Coast Live Oak
5	34	Red Oak
6	36.5	Red Oak
7	16	Red Oak
8	33, 22, 15	Red Oak
9	22	Coast Live Oak
10	15.9	Red Oak
11	24, 15, 13, 12	Red Oak
12	23, 15	Red Oak
14	5	Coast Live Oak
15	9	Coast Live Oak
16	6, 6.5, 7, 7, 4	Coast Live Oak
17	8	Coast Live Oak
18	27	Coast Live Oak
19	9.5	Coast Live Oak
21	5.5	Coast Live Oak
23	23.5	Coast Live Oak
25	9, 7.5	Coast Live Oak
26	6, 4, 5	Coast Live Oak
27	5.5, 9	Coast Live Oak
28	9, 8, 9, 8	Coast Live Oak
29	13	Coast Live Oak
30	15.5, 15	Coast Live Oak
31	35	Coast Live Oak
-	40	Live Oak

Trees to be Removed		
Arborist ID	Trunk Diameter	Species
13	5, 4, 5, 6	Valley Oak
20	12, 10, 16, 15	Black Locust
22	10.5, 6.5, 9.5, 8	Black Locust
24	13, 13, 10	Black Locust
32	17, 21	Black Locust
33	16.5	English Walnut
34	8.5	Coast Live Oak
35	22	Coast Live Oak
36	14	Coast Live Oak
37	7	Coast Live Oak
38	8	Coast Live Oak
39	5, 5.5, 9	Elderberry
40	14.5	Olive
41	8.5, 6	Coast Live Oak
42	11, 15	Coast Live Oak
43	17, 10.5	Coast Live Oak
44	4	Coast Live Oak
45	13, 23, 11.5	Coast Live Oak
46	10.5, 5.5, 8	Coast Live Oak
47	8.5	Ash
48	11.5, 7.5	Coast Live Oak
49	8	Black Locust
50	7	Coast Live Oak
51	9.5	Black Locust
52	8	Black Locust
53	8	Black Locust
54	20, 14, 23, 22, 19.5	Coast Live Oak
55	12, 8	Coast Live Oak
56	6, 7, 6.5	Black Locust
57	6	Black Locust
-	12	Walnut
-	60	Walnut

Engineer:
William J. McClintock
MH Engineering
16075 Vineyard Blvd.
Morgan Hill, CA 95037
408.779.7381
billm@mhengineering.com

Project Information:
APN: 726-25-006
Present Use: Vacant
Proposed Use: Mixed Use
Present Zoning: Mixed Use Flex
Proposed Zoning: Mixed Use Flex
Sanitary Sewer: City of Morgan Hill
Gas and Electric: PG&E
Water: City of Morgan Hill
Telephone: Verizon
Existing Improvements: As Shown
Area: 6.90 ac
Topo: Field Topo

Benchmark: Elevations shown on this plan are based on Santa Clara Valley Water District BM1067. A brass disk "R19" located at the railroad tracks for Union Pacific Railroad 300 feet southeast from Cochrane Road along Old Monterey Road, opposite to address 18515 Old Monterey Road, disk is on the top of 1.7 foot wide by 8.5 feet long concrete headwall on the northwesterly side of the tracks and over 2 foot diameter steel pipe culvert. 9.5 feet southwesterly from the most southwesterly rail for the railroad tracks and 37.5 feet northeasterly from telephone pole number GT109368, City of Morgan Hill. Elevation= 353.25' (NAVD '88)

Flood Zone: The property lies partially in Zone AH; Flood depths of 1 to 3 feet (usually areas of ponding), base flood elevations determined. The remainder of the property lies within Zone X; areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood per FEMA FIRM 06085C0443H, effective May 18, 2009.

Soils Report: All construction work shall be performed in accordance with the soils and/or geotechnical report prepared by Quantum Geotechnical, Inc and dated August 6, 2019.

Underground Utility Note: Observed surface evidence of utility lines including facilities, appurtenances and markings were used in depicting the location of underground utilities shown on these plans. However, lacking excavation, the exact location and depth of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary.

Boundary Note: Property lines shown on this plan are based on record data and boundary monumentation measured to date.

Proposed

Existing

SD

SS

W

G

E

T

JT

(SD)

(SS)

(W)

(G)

(E)

(T)

(JT)

Legend

Project Property Boundary

Property Line

Centerline

Curb and Gutter

Driveway Approach

Storm Drain

Sanitary Sewer

Water Main

Gas Main

Underground Electric

Telephone

Joint Trench

Fence, Type as shown

Street Barricade

Benchmark

Monument, Type as shown

Revision

Section

Swale

Slope

Storm Drain Manhole

Curb Inlet

Drop Inlet

Sanitary Sewer Manhole

Fire Hydrant

Cleanout

Gate Valve

Utility Pole

Electroliner

Sewer Service

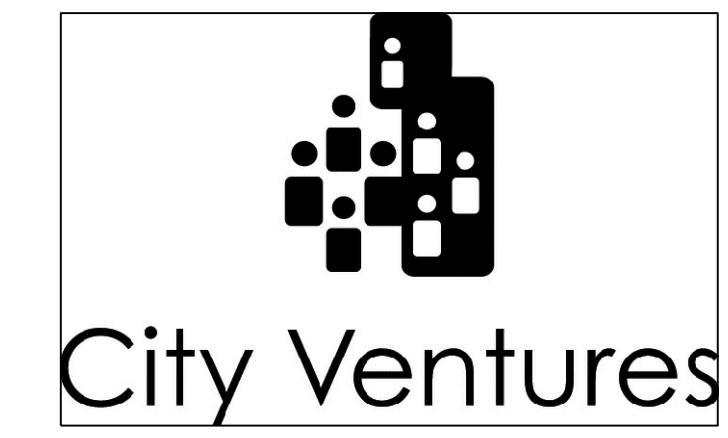
Water Service

Tree to be removed

AC Areas

PCC Areas

Buildings



MONTEREY GATEWAY
MORGAN HILL, CA
CITY VENTURES, INC

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APPROVED:	DATE:	JOB NO. 217080.3	
Soil C. Chw RCE-58979	CITY ENGINEER EXP. DATE 10-30-2021		SIGNATURE



MH

MH engineering Co.

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Existing Topography "Monterey Gateway"		CITY FILE NO. SD2019-0004
		PLAN SET: 10/18/19
		DRAWING: C.2
		of 8



MORGAN HILL, CA

©HUNT HALE JONES ARCHITECTS

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REGISTERED PROFESSIONAL ENGINEER
WILLIAM J. MCCLINTOCK
No. 24893
EXP. 12-31-2019
STATE OF CALIFORNIA

FOR PLANCHECK ONLY

signature and seal are required on all drawings

FOR PLANCHECK ONLY

MH engineering Co.

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MORGAN HILL

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PLAN SET:

10/18/19

DRAWING:

C.3

of 8



MORGAN HILL, CA

CITY VENTURES, INC

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APPROVED:	DATE:	JOB NO.
Scott C. Cheer PCE 05873	CITY ENGINEER E/P: DATE 06-30-2021	217080.3

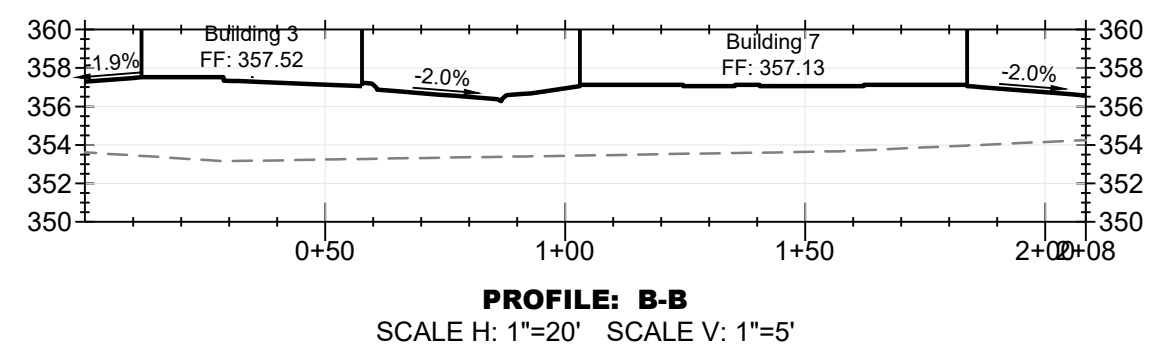
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CITY FILE NO.	SD2019-0004
PLAN SET:	10/18/19
DRAWING:	C.4 of 8



2.) Determination of Retention Volume

2a.) Project Watershed Management Zone per attach 1b

1 = WMZproject

Runoff Retention Requirement = Prevent offsite discharge from events up to the 95th percentile 24-hour rainfall event

2b.) Determine the 95th percentile 24-hour rainfall event

1.5 = D = 95th % 24-hour rainfall per 95th percentile poster for posting (in.)

2c.) Compute the Runoff Coefficient

0.561 = C = 0.858i3 - 0.78i2 + 0.774i + 0.04

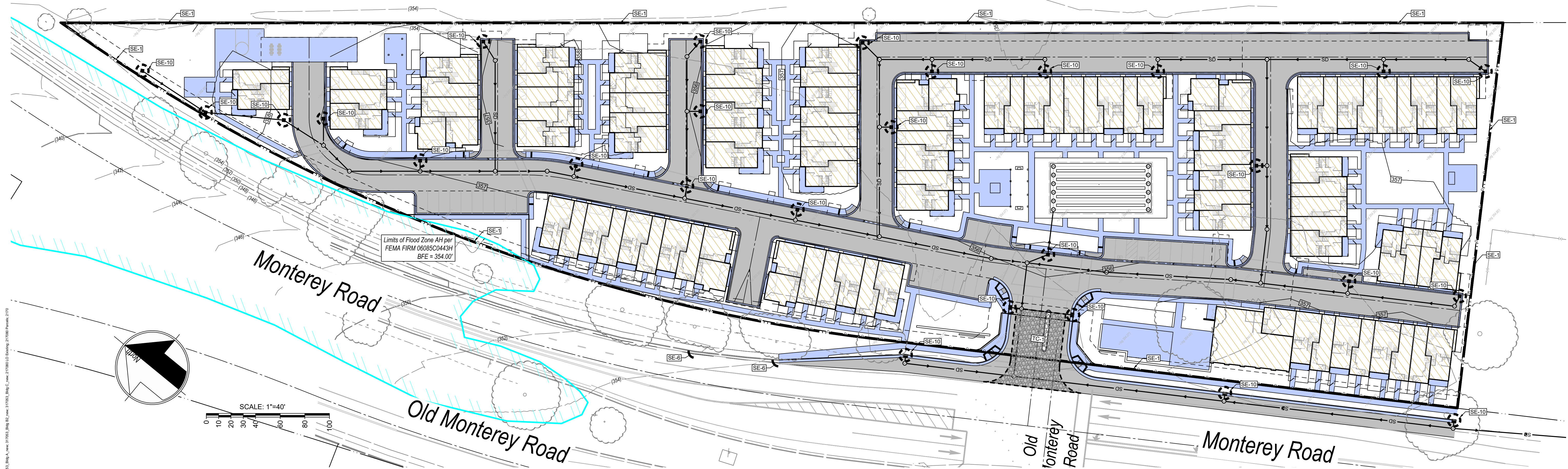
2d.) Compute Retention Volume

Retention VolumeDMA# = CDMA# * D * Aret

13,034



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CHECKED:		DATE:		VERT:												PLAN SET: 10/18/19	
APPROVED:		DATE:		JOB NO. 217080.3												DRAWING: C.5 of 8	
Scott C. Chwert RCE 55879		CITY ENGINEER EXP. DATE 06-30-2021		SIGNATURE _____												DATE _____	



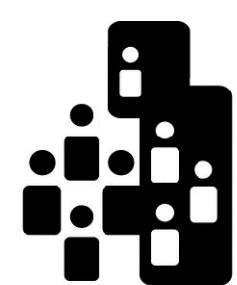
Legend

- SE-1 Silt fence
- SE-3 Fiber Rolls
- SE-6 Gravel Bag Berm
- SE-10 Storm drain inlet protection
- TC-1 Stabilized construction entrance
- EC-4 Re-seed disturbed areas

Note 1: All concrete washout shall be done at supplier. If concrete washout is required on-site, all concrete washout areas shall conform with California State BMP WM-8.

Note 2: No hazardous material anticipated for this project. If hazardous materials are used, notify engineer, Santa Clara County Land Development Engineering Department, and comply to California Stormwater Quality Association Stormwater Best Management Practice Handbook.

Note 3: All construction parking is anticipated to be located within the disturbed area.



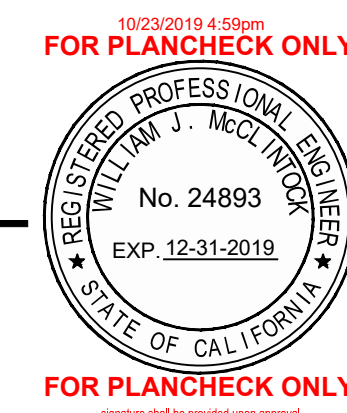
City Ventures

MONTEREY GATEWAY

MORGAN HILL, CA

CITY VENTURES, INC

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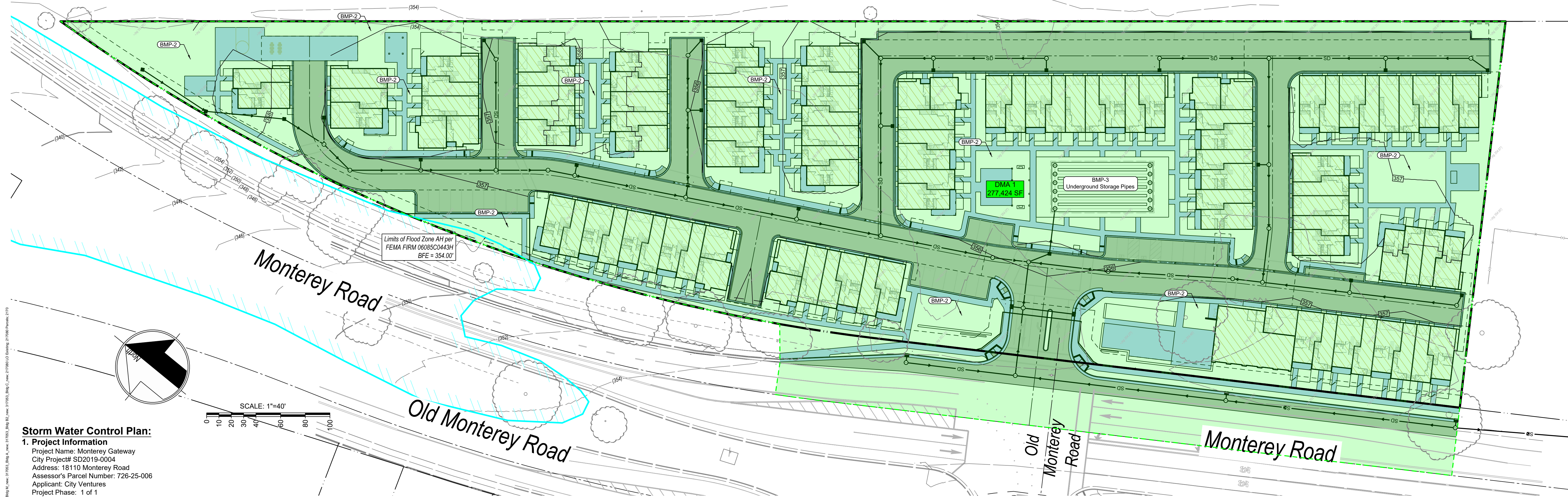
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Erosion Control Plan
"Monterey Gateway"

MORGAN HILL

CALIFORNIA

CITY FILE NO. SD2019-0004
PLAN SET. 10/18/19
DRAWING. C.6
of 8



Storm Water Control Plan:

1. Project Information

Project Name: Monterey Gateway
City Project# SD2019-0004
Address: 18110 Monterey Road
Assessor's Parcel Number: 726-25-006
Applicant: City Ventures
Project Phase: 1 of 1
Project Type: Mixed Use

2. Project Areas

Total Project Site Area: 246,772 sf
Total new impervious surface areas: 197,061 sf
Total replaced impervious surface areas: 0 sf
Total new pervious areas: 49,711 sf
Calculation of Net Impervious Area: 197,061 sf

3. Statement of Performance Requirements That Apply to the Project

Performance Requirement #1 - Site Design and Runoff Reduction: Yes
Performance Requirement #2 - Water Quality Treatment: Yes
Performance Requirement #3 - Runoff Retention: Yes
Performance Requirement #4 - Peak Management: Yes

4. Delineation of Drainage Management Areas:

See DMA1 & DMA 2 on sheet 15 of 15 in storm water management report

5. Summary of PR1 Measures

- no creeks or natural drainage features shall be disturbed - avoided top of bank of adjacent drainage swale
- no highly permeable soils are present in the development area
- no trees or significant natural vegetation is present in the development area
- improvements are concentrated to least sensitive area on site
- measures
- runoff from roofs routed to vegetated swales
- runoff from sidewalks and patio areas routed to vegetated swales
- runoff from driveways and parking routed to vegetated swales

6. Summary of PR2,3,4 measures

- vegetated swales (ponds and ditches leading to the ponds) collect all runoff and promote infiltration via the perforated pipe and evapotranspiration via the vegetation
- The design utilizes the ponds swales and underground pipes to store the 95th% event with no discharge, then uses an orifice to meter outflows from events in excess of the 95th% to less than pre development levels. The retained volumes are infiltrated into the ground via the pond bottoms and the perforated pipe set in drainrock and surface storage is also evapotranspired
- LID Design Measures incorporated:
 - development envelope avoids disturbance to drainage channel
 - there are no trees or sensitive vegetation in the proposed project area
 - proposed impervious areas are limited to the driveway, buildings, and areas immediately surrounding the proposed uses
 - driveways and walks are at the minimum acceptable widths
 - development is set away from the drainage channel
 - the design is not contrary to the natural terrain
 - grading is limited to the building and driveway areas
 - design is such that the post-project peak discharge from the site is less than the pre-project peak discharge for events thru the 100 year..

7. Water quality treatment calculations

- see storm water management report

BMP - 1. Site Housekeeping

- Objective:
 - to reduce impacts from storm water runoff by developing and implementing good housekeeping practices.
- General Housekeeping
 - Keep parking areas, material storage and staging areas clean and orderly.
 - Establish a daily checklist to confirm cleanliness and adherence to proper storage and security. Where feasible, individual employees should be assigned specific inspection responsibilities and given the authority to remedy any problems found.
 - Provide an adequate number of trash and recycling receptacles.
 - Post "No Littering" signs and enforce anti-littering laws.
 - Dispose of wash water properly. Wash water shall not be allowed to flow to the storm drain system.
 - Sediment and sweeping debris shall be properly disposed.
- Mechanical Sweeping
 - Mechanical sweeping shall be performed on a scheduled basis. The frequency of mechanical sweeping shall be based on visual observation of waste accumulation.
 - Mechanical sweeping equipment shall only be used by personnel trained in using mechanical sweeping equipment.
 - Mechanical sweeping of all outside equipment staging areas, materials storage areas and parking areas will be performed at least once prior to the onset of the wet season (September 15th).
 - Mechanical sweeping will be coordinated with maintenance activities on other storm water treatment measures located on the site (i.e. stormceptors, CDS units, drain inlet filters).
 - Dispose of debris properly.
- Manual Sweeping
 - Manual sweeping will be used in areas where mechanical sweeping cannot be effectively implemented.
 - Manual sweeping will be coordinated with maintenance activities on other storm water treatment measures located on the site.
 - Dispose of debris properly.
- Surface Cleaning
 - Surface cleaning shall be used in areas where heavy oil deposits are encountered.
 - Dry cleaning methods (e.g. application of absorbent followed by sweeping and vacuuming) shall be employed first to prevent the discharge of pollutants to the storm drain system.
 - If wet cleaning is required to effectively remove pollutants, all wash water shall be collected and disposed to landscape or the sanitary sewer, as appropriate. If discharge to the sanitary sewer is necessary, prior approval from City of Morgan Hill is required.
 - Dispose of debris properly.
- Vector Control
 - Ensure that there are no areas of standing water on site. Areas of standing water shall be drained or cleared as soon as they are located.
 - Vector Control District: The Santa Clara County Vector Control District (SCCVCDD) will be contacted as needed for assistance should any mosquito issues arise. Mosquito larvicides should be applied only when absolutely necessary as indicated by the SCCVCDD, and then only by a licensed professional or contractor. The contact information for SCCVCDD follows:
- Pesticide Reduction Plan and Measures
 - Objectives: to reduce or eliminate the use of chemicals necessary to prevent pests of the landscape and to reduce the potential for pesticides to runoff the landscape.
 - Employ non-chemical controls (biological, physical and cultural controls) before using chemicals to treat a pest problem.
 - Use geotextiles and apply 2-4 inches of mulch to exposed soils to prevent weed growth.
 - Replace problem plants with locally adapted, pest resistant plants. Do not plant invasive species.
 - Prune plants properly and at the appropriate time of year.
 - Limit fertilizer use unless soil testing indicates a deficiency. Slow-release or organic fertilizer is preferable.
 - Provide adequate irrigation for landscape plants. Do not over water.
 - Sweep up spilled fertilizer and pesticides. Do not wash away or bury such spills.
 - If chemical controls are necessary, use least-toxic pesticide first. Avoid the use of broad-spectrum pesticides.

- Do not over apply pesticide. Spray only where the infestation exists. Follow the manufacturer's instructions for mixing and applying materials.
- Only licensed, trained pesticide applicators shall apply pesticides.
- Apply pesticides at the appropriate time to maximize their effectiveness and minimize the likelihood of discharging pesticides into runoff. With the exception of pre-emergent pesticides, avoid application if rain is expected.
- Unwanted/unused pesticides shall be disposed as hazardous waste.
- Correspondence: Correspondence regarding operations, inspections and maintenance of the storm water treatment measures shall be provided to the City Engineer as required and according to the schedule outlined in this SWRMP.

NOTE: Best Management Practices delineated in this Operations & Maintenance Agreement are minimum requirements. More stringent requirements may apply to specific projects as environmental mitigation measures under the California Environmental Quality Act, and/or as conditions of approval for a development project (such as a map, a planned district, a zoning administrator permit, a conditional use permit, or other permit or project approval by the City).

BMP -2 Vegetated (Bio) Swale Maintenance Plan

- Objectives:
 - The maintenance objectives for vegetated swale systems include keeping up the efficiency of the channel and maintaining a dense, healthy grass (or plant) cover.
- Inspection Schedule
 - Visual inspections shall be conducted monthly, particularly after heavy runoff, to ensure normal functioning of swale (i.e. no pooling, or blockage)
 - Detailed inspections shall be conducted at least twice annually with inspections occurring (1) at the end of the wet season (May 1st) to schedule summer maintenance, (2) before major fall (September 15th) runoff in preparation for winter, and (3) after periods of heavy runoff. The objective of detailed inspections is to identify erosion, damage to vegetation, grass or plant height, debris, litter, areas of sediment accumulation, and pools/standing water. If any issues exist, activities as outlined in Section 3, Maintenance Activities will be conducted.
- Inspection reports due to Public Works May 1st and September 15th
Inspection certification by a qualified R.C.E. due to Public Works: September 30"
- Maintenance Activities
 - Routine or preventative maintenance refers to procedures that are performed on a regular basis to keep the swale aesthetic and in proper working order. Routine maintenance includes debris removal, silt and sediment removal, and clearing of vegetation around flow control devices to prevent clogging. Routine maintenance also includes the maintenance of a healthy vegetative cover. Dead turf or other unhealthy vegetative areas will need to be replaced after being discovered.
 - Erosion: Areas of erosion and slope failure shall be repaired and reseeded (or sodded) as soon as possible. Eroded areas near the inlet or outlet may also need to be lined with riprap, which will be determined on a case by case basis.
 - Damage to vegetation: If the channel develops ruts or holes, it shall be repaired utilizing a suitable soil that is properly tamped and seeded. The grass cover should be thick; if it is not, it shall be reseed as necessary. If possible, flow will be redirected until new grass is firmly established to avoid deterioration. If invasive species and/or weeds develop, promptly remove to avoid disruption to original vegetation.
 - Grass or plant height: Mow as required by plant variety to maintain at least 4-6" grass height or to suppress weeds and woody vegetation. Litter must be removed prior to mowing. During the growing season mow as indicated by species to promote growth and pollutant uptake. Remove cuttings and dispose/compost. Species in the swale include: Red Fescue.
 - Debris / litter: Remove all litter or debris within swale and prior to mowing and as inspections warrant. Keep swale free of debris.
 - Areas of sediment accumulation: Remove sediment by hand with a flat-bottomed shovel whenever sediment covers vegetation or begins to reduce swale capacity. Maintain clean curb cuts to avoid soil and vegetation buildup. Sediment accumulating near culverts and in channels should be removed when it builds up to 75 mm (3 in.) at any spot, or covers vegetation. If inlet flow spreaders and/or under drains installed: Keep all inlet flow spreaders even and free of debris. If cobbles or other similar flow spreaders are used, ensure that cobbles do not become embedded in sediment. Remove any debris in under drains that could cause clogging. [At least two times per year]
 - Pools and standing water: Observe soil at the bottom of the swale for uniform percolation throughout. If portions of the swale do not drain within 5 days after the end of a storm, the soil shall be tilled and replanted. Remove any debris or accumulation of sediment.

- 1.7. Irrigation: Water plants in swales during dry conditions. Confirm that irrigation is adequate and not excessive.
- 1.8. Pesticides and Fertilizers: Application of pesticides and fertilizers shall be minimal. Biological, physical, and cultural controls shall be used prior to pesticide and fertilizer use.
2. Non-routine or corrective maintenance refers to any rehabilitative activity that is not performed on a regular basis. This includes flow control structure replacement or the major replacement and cleaning of aquatic vegetation. Non-routine maintenance will be completed as needed.
3. Vector Control
 - Objective: To prevent conditions within swales that attract and/or promote the growth of disease vectors, including but not limited to mosquitoes, rodents, and flies.
 - Maintenance Activities for Vector Control
 - Inspections: Regular inspections will determine if swales have pools of standing water or debris accumulation. Inspections will be conducted prior to the rainy season, after major storm events, and at least once during the dry season to ascertain that standing water drains from the swale within 5 days.
 - Holes in ground: Abate potential vectors by filling holes in the ground in and around the swale and by insuring that there are no areas where water stands longer than 5-days following a storm.
 - Other maintenance activities: If any obstructions develop (e.g. debris accumulation, invasive vegetation, clogging of outlets and/or under drains) within the swale, appropriate maintenance activities shall be implemented to correct the obstruction. Refer to Section 3 for details on specific maintenance activities.
 - Vector Control District: The Santa Clara County Vector Control District (SCCVCDD) will be contacted as needed for assistance should any mosquito issues arise. Mosquito larvicides should be applied only when absolutely necessary as indicated by the SCCVCDD, and then only by a licensed professional or contractor.

BMP - 3 Underground Perforated HDPE Pipe

- Objectives:
 - With adequate pre-treatment of storm water before it enters the Perforated HDPE underground storage, heavy sediments, trash, and other debris will not enter the system. Therefore, most maintenance efforts should be directed at the pre-treatment structures to ensure they are functioning properly. To monitor the accumulation of fine sediments that may enter the detention/retention area, Perforated HDPE underground storage systems may include a monitoring well, flush ports, or both.
- Monitoring Wells
 - Inlets and risers that run from the bottom of the Perforated HDPE underground storage up to ground level, these are typically used to visually inspect the system and take simple measurements to gauge the depth of accumulated sediments
- Flush Ports
 - Inlets and risers are used as flush ports. As water is pumped into water will flush down to the bottom of the system to create turbulence, thereby re-suspending accumulated sediments.
 - After pumping water into the pipe, flushing is completed by vacuuming sediment laden water out of the system either through the inlet structure or through the flush port. The diameter of the flush port is determined by a number of factors including the rate at which water will be pumped into the system, the number of flush ports incorporated, and the possible requirement of vacuuming through the port. Experience has shown that an 18" port is more than adequate for virtually any required use, with 6" - 12" ports more common when vacuuming will be performed at the inlet structure.
- Installing the Maintenance System
 - Maintenance inlets and risers will be installed with the initial construction
- Maintenance Intervals
 - Maintenance Schedules for the Perforated HDPE underground storage System are a function of the contributing area and the type of pre-treatment specified. A standard maintenance schedule may include quarterly inspections through the first year of use, with yearly inspections thereafter. Flushing should be performed if sediment should reach a pre-determined depth or volume of the storage cap/County which reduces performance of the system to unacceptable levels.
- Availability
 - All system components, including caps, lids, and valve boxes are available from local suppliers.

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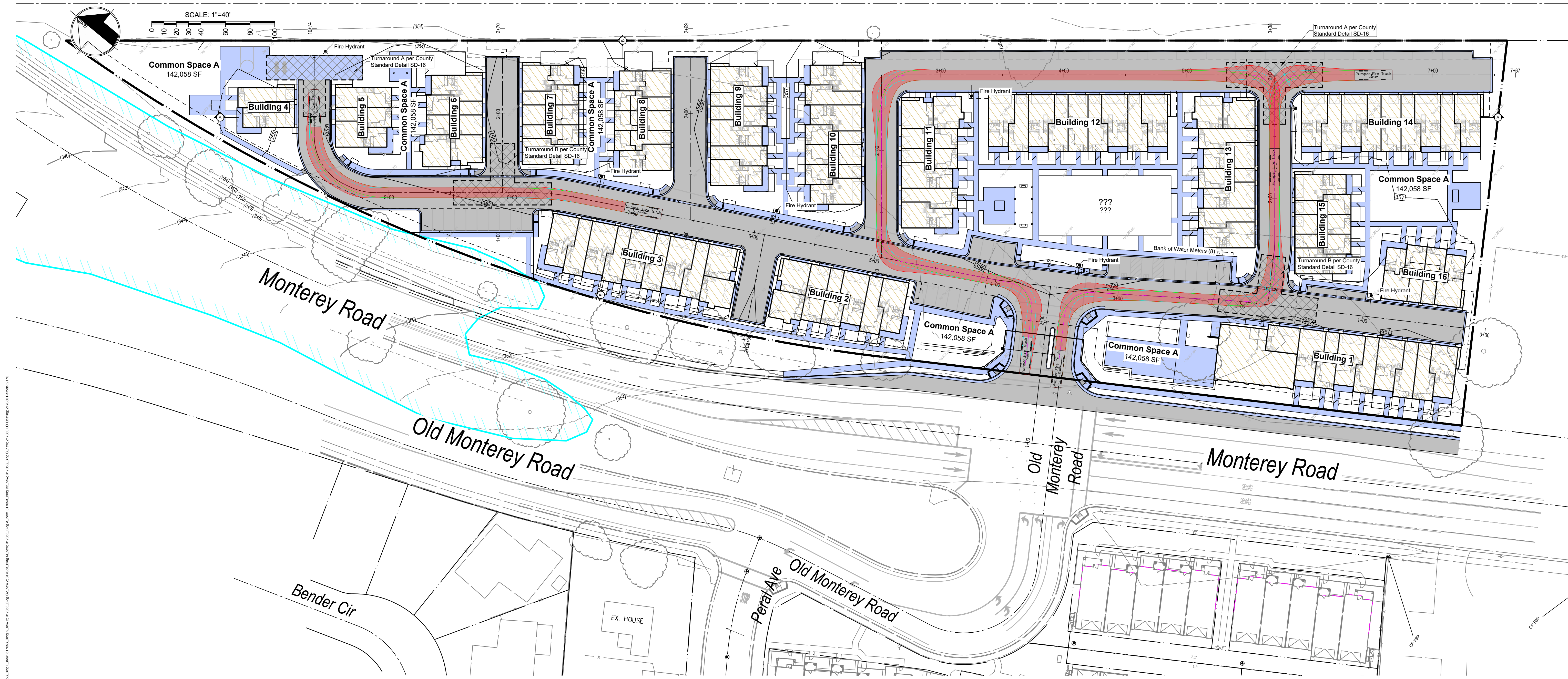
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APPROVED:	DATE:	JOB NO. 217080.3
Soil C. Chw RCE 08/27	CITY ENGINEER EXP. DATE 08-30-2021	

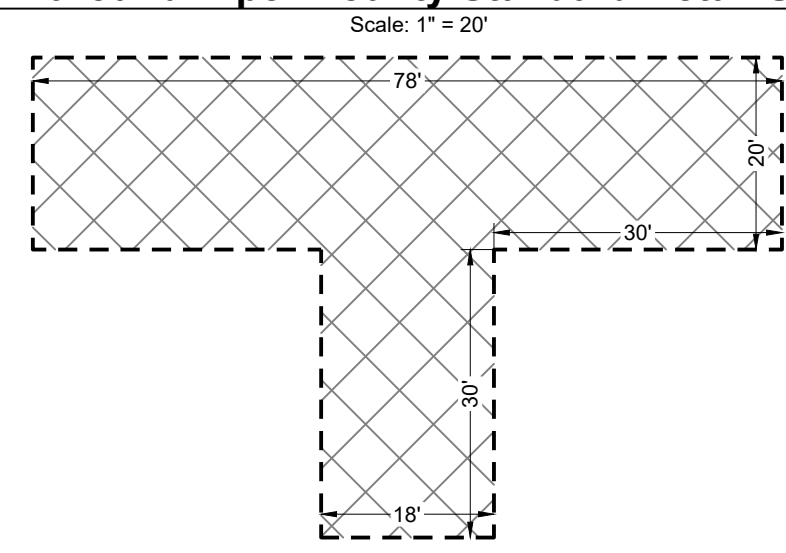
SUPERVISED BY:	DATE:
SIGNATURE	DATE

MH engineering Co.
SUBDIVISIONS - LAND PLANNING - LAND SURVEYS
16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037
(408) 779-7381 FAX: (408) 226-5712

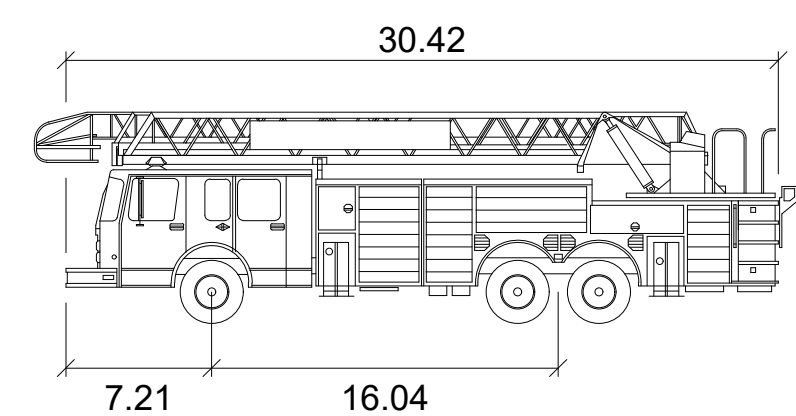
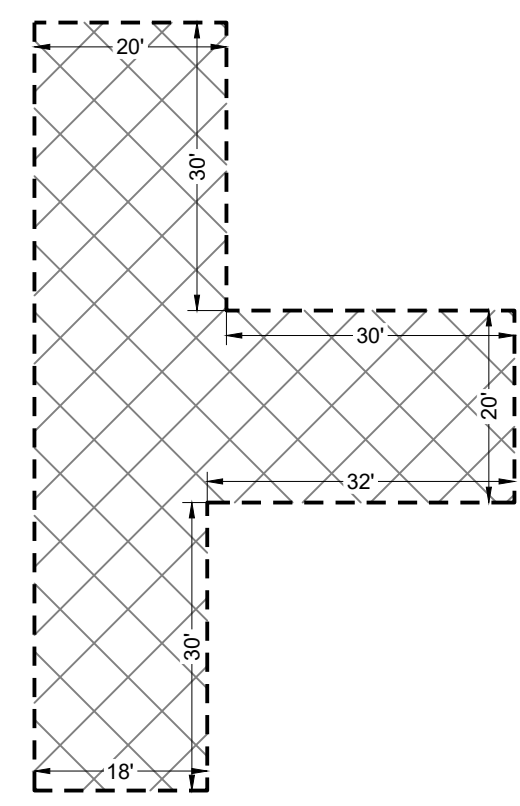
Stormwater Control Plan "Monterey Gateway"	CITY FILE NO. SD2019-0004 PLAN SET: 10/18/19 DRAWING: C.8 of 8
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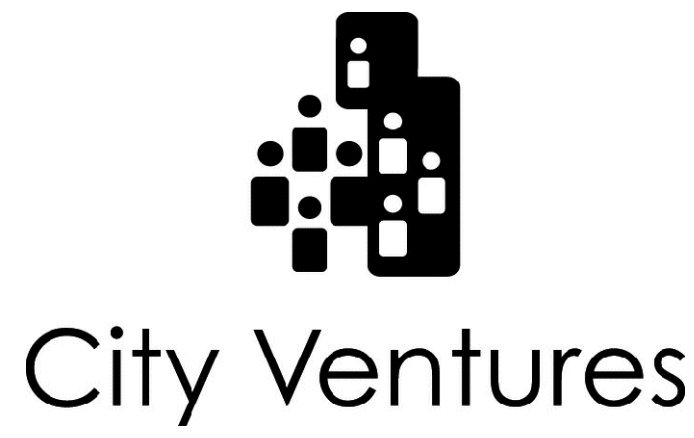
Turnaround A per County Standard Detail SD-16



Turnaround B per County Standard Detail SD-16



Pumper Fire Truck	
	feet
Width	: 8.17
Track	: 8.13
Lock to Lock Time	: 6.0
Steering Angle	: 40.0



MONTEREY GATEWAY

MORGAN HILL, CA

CITY VENTURES, INC

DRAWN: KW CHECKED: APPROVED: DESIGN: WJM DATE: DATE: HOR: 1"=40' VERT: JOB NO: 217080.3 Soil C, Chief RCE-58979 CITY ENGINEER EXP. DATE 10-30-2021 SUPERVISED BY: SIGNATURE DATE 10/23/2019 4:59pm FOR PLANCHHECK ONLY REGISTERED PROFESSIONAL ENGINEER WILLIAM J. MCCLINTOCK No. 24893 EXP. 12-31-2019 FOR PLANCHHECK ONLY Signature must be provided upon approval MH MH engineering Co. SUBDIVISIONS - LAND PLANNING - LAND SURVEYS 16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037 (408) 779-7381 FAX: (408) 226-5712 Fire Department Circulation Plan "Monterey Gateway" MORGAN HILL CALIFORNIA CITY FILE NO. SD2019-0004 PLAN SET: 10/18/19 DRAWING: C.9 of 8

RESOLUTION NO. 20-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL APPROVING A DESIGN
REVIEW PERMIT TO ALLOW FOR THE CONSTRUCTION
OF A 97 UNIT MULTI-FAMILY MIXED USE PROJECT WITH
FOUR LIVE-WORK UNITS AND 2,423 SQUARE-FOOT
COMMERCIAL SPACE LOCATED AT 18110 MONTEREY
ROAD (APN: 726-25-006)**

WHEREAS, the developer City Ventures applied for a Design Review permit in compliance with Block Level Master Plan Block Four to construct 97 multi-family units, four live-work units, and 2,423 square feet of commercial space with outdoor patio area and three open park areas. (SR2019-0026: Monterey – City Ventures); 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; and

WHEREAS, the Planning Commission has reviewed and considered the Initial Study and Mitigated Negative Declaration prepared for the Project; and

WHEREAS, the Initial Study (IS), Mitigated Negative Declaration (MND) and Mitigation Monitoring Report Program (MMRP) prepared for the project is incorporated, by this reference, into this Resolution as if fully set forth herein; and

WHEREAS, although the proposed project could have a significant effect on the environment, because all potentially significant effects have been (a) analyzed adequately in IS/MND and (b) have been avoided or mitigated pursuant to the MMRP which includes measures that are imposed upon the Project and reduces potential impacts to a less than significant level and is consistent with Section 15070 of CEQA Guidelines.

WHEREAS, the proposed project is consistent with the development assumptions in the Block Level Master Plan, Block Four and is consistent with the General Plan land use designation of MU-F, the environmental analysis contained in the IS/MND tiers, where applicable, from the General Plan EIR in accordance with CEQA Guidelines Section 15152; 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, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The project is consistent with the Zoning Ordinance, General Plan and

Block Level Master Plan, Block Four.

SECTION 2. The Design Review has been found consistent with the criteria for Design Review permit approval contained in Section 18.108.040 of the Morgan Hill Municipal Code. The proposed project is in compliance with all applicable design standards and guidelines contained in the Design Review Handbook.

SECTION 3. The Planning Commission approves SR2019-0026: Monterey – City Ventures. The design shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit “A”. Minor deviations to the site review permit may be approved by the Community Development Director when consistent with the overall intent of the project.

SECTION 4. 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 24 DAY OF MARCH 2020, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

City of Morgan Hill
Resolution No.
Page 3 of 41

ATTEST:

JENNA LUNA, Deputy City Clerk

APPROVED:

JUAN MIGUEL MUNOZ-MORRIS, Chair

Attachment: Design Review Permit Resolution [Revision 8] (2664 : Monterey - City Ventures)

EXHIBIT "A" STANDARD CONDITIONS

APPLICATION NO: SR2019-0026

THE FOLLOWING APPROVAL REQUIREMENTS AND ANY SPECIAL CONDITIONS SHALL BE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS.

Legend

MHMC= Morgan Hill Municipal Code
MHARH= Morgan Hill Architectural Review Handbook
CMH= City of Morgan Hill
CFC= California Fire Code

I. PROJECT DESCRIPTION

The project includes Design Review Permit to develop 101 multi-family units, a commercial/retail building, and associated improvements. Of the 101 residential units, 15 would be below market rate units and four would be live/work units. The existing mobile home would be demolished.

The project shall comply with all requirements of related project approvals granted by the City, including all of the following:

- A. Initial Study/Mitigated Negative Declaration- March 24, 2020 (EA2019-0019)

II. PROJECT MITIGATION MEASURES

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

- A. **MM-BIO-1 (IV-1(a)):** Consistent with Condition 15 of the Santa Clara Valley Habitat Plan, prior to any ground disturbance related to covered activities, a qualified biologist will conduct preconstruction surveys in all suitable habitat areas as identified during habitat surveys. The purpose of the preconstruction surveys is to document the presence or absence of burrowing owls on the project site, particularly in areas within 250 feet of construction activity.

To maximize the likelihood of detecting owls, the preconstruction survey will last a minimum of three hours. The survey will begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset

and continue until 1 hour after sunset. Additional time may be required for large project sites. A minimum of two surveys will be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their location will be mapped.

Surveys will conclude no more than 2 calendar days prior to construction. Therefore, the project proponent must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last minute changes in schedule or contracting that may occur if burrowing owls are found, the project proponent may also conduct a preliminary survey up to 14 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction. If burrowing owls are not identified, further action is not required.

- B. **MM-BIO-2 (IV-1(b)):** 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.
- C. **MM-BIO-3 (IV-1(c)):** 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.

- D. **MM-BIO-4 (IV-2(a)):** 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, no further mitigation is required and 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 migratory birds or 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.

- E. **MM-BIO-5 (IV-2(b)):** If construction activities occur between February 1 and August 31, the applicant shall conduct surveys for Swainson's hawk and white-tailed kite in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000), or current guidance. Surveys will cover a minimum of a 0.5-mile radius around the construction area. If nesting Swainson's hawks or white-tailed kites are detected, a no-disturbance buffer shall be established as determined by the qualified biologist, but shall not be less than 500 feet. Buffers shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.

If potential nesting trees are to be removed during construction activities, removal shall take place outside of Swainson's hawk and white-tailed kite nesting season and CDFW will develop a plan to replace known nest trees at a ratio of 3:1. Potential nest trees shall include those trees with current (at the time of the surveys) or documented historic use by Swainson's hawk or white-tailed kites for nesting. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for the mitigation will be 65% survival of all replacement plantings.

- F. **MM-BIO-6 (IV-3):** Consistent with Condition 17 of the Santa Clara Valley Habitat Plan, prior to any ground disturbance related to covered activities, a qualified biologist shall investigate whether the nearby Butterfield Retention Basin has been occupied by nesting tricolored blackbirds within the past 5 years. This shall include checking the California Natural Diversity Database, contacting local experts, and conducting a preconstruction survey in all accessible areas identified as supporting potential tricolored blackbird nesting habitat. The survey shall document the current, and to the extent possible, historical presence or absence of nesting colonies of tricolored blackbird. Surveys shall conclude no more than two calendar days prior to construction. If a tricolored blackbird nesting colony is present or has been within the past 5 years, a 250-foot buffer shall be applied from the outer edge of all hydrophytic vegetation associated with the site and the site plus buffer shall be avoided. The Wildlife Agencies shall be notified immediately of nest locations. All survey results shall be submitted to the City of Morgan Hill Development Services Department prior to the start of construction. If current or recent tricolored blackbird nesting colonies are not identified, further action is not required.

If construction takes place during the breeding season when an active colony is present, a qualified biologist shall monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer shall be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction shall cease until the colony abandons the site or until the end of the breeding season, whichever occurs first. The biological monitor shall also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that tricolored blackbirds fly into an active construction zone (i.e., outside the buffer zone).

- G. **MM-BIO-7 (IV-4):** The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

For the Ordinance Sized Trees 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.

- H. **MM-BIO-8 (IV-5):** 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.
- I. **MM-HAZ-1 (IX-1):** If the project site is found to contain an existing septic system associated with the mobile home, the project applicant shall submit an application for Septic/Onsite Wastewater Treatment System Abandonment to the Santa Clara County Department of Environmental Health, Consumer Protection Division. After approval has been obtained, the septic system shall be abandoned consistent with the County's Septic Tank Abandonment Procedures. Proof of abandonment shall be provided to the City of Morgan Hill Development Services Department prior to issuance of a demolition permit.
- J. **MM-HAZ-2 (IX-2):** Prior to issuance of a demolition permit for the on-site structure, the Developer shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Department an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.
- K. **MM- NOI-1 (XIII-1):** Noise-generating construction activities associated with the proposed project shall 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.

- L. **MM-NOI-2 (XIII-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.

- M. **MM- NOI-3 (XIII-3):** During construction activities associated with the proposed project, any compaction required within 25 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department.

III. PROJECT CONDITIONS OF APPROVAL

This Design Review approval is limited to the plan set date stamped January 22, 2020 on file (File Number SR2019-0026: Monterey – City Ventures) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Review plans as determined by the Development Services Director. These documents show the location and dimensions of all buildings and elevations with colors and materials, amenities and square footage for all common areas, and vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

It shall be the responsibility of the Owner to ensure that any changes or modifications to the Project or any Unit are in compliance with the original City Conditions of Approval of the Project, which are incorporated herein.

PLANNING DIVISION

DEFENSE AND INDEMNITY

- A. As part of, and in connection, with this application to the City of Morgan Hill, 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 application 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 the Applicant or 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.

TIME LIMITS

- A. **Term:** The Design Review approval granted pursuant to this Resolution shall remain in effect for two years to March 24, 2022. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. **(MHMC 18.108.040)**

SITE DEVELOPMENT

- A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with Design Review Permit SR2019-0026 Monterey – City Ventures and in accordance with Morgan Hill Municipal Code Section 18.108.040 (Design Permit) and approved by the Development Services Department prior to issuance of a building permit. All such plans shall include:

1. Detail depicting all concrete curbs as full formed.
 2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing.
 3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.
 4. 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.
 5. 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 as detailed in engineering conditions within this document.
- B. **Pedestrian Access:** The Project shall provide pedestrian walkways in compliance with ADA requirements and with Section 18.72.060.H of the Morgan Hill Municipal Code, which states the following:
1. Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements.
 2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Development Services Director.
- C. **Bicycle parking.** The project shall provide short-term and long-term bicycle parking spaces in conformance with Section 18.72.080 and Table 18.72-7 of the Morgan Hill Municipal Code:

Table 18.72-7: Required Bicycle Parking Spaces

Land Use	Required Bicycle Parking Spaces
----------	---------------------------------

	Short-Term Spaces	Long-Term Spaces
Multi-family dwellings	10 percent of required automobile spaces; min. of 4 spaces	1 per 5 units

1. **Short-Term/Class II Bicycle Parking Standards.** Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve.
2. **Long-Term Bicycle Parking Standards.** The following standards apply to long-term bicycle parking:
 - a. Location. Long-term bicycle parking shall be located on or within seven hundred fifty feet of the use that it is intended to serve.
 - b. Security. Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
 - i. In a locked room or area enclosed by a fence with a locked gate;
 - ii. Within view or within one hundred feet of an attendant or security guard;
 - iii. In an area that is monitored by a security camera; or
 - iv. Visible from employee work areas.
3. **Parking Space Dimensions.**
 - a. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space.
 - b. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering.
 - c. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
 - d. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.
4. **Rack Design.** Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.
5. **Cover.** Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.

The location of all bicycle parking spaces shall be identified prior to issuance of a building permit.

- D. **Electric Vehicle Charging Stations:** The Project shall provide electric vehicle charging stations in compliance with Section 18.72.040.C of the Morgan Hill Municipal Code. The project is required to provide two charging stations, plus one for each additional fifty parking spaces. The developer shall provide location of each charging station prior to issuance of building permit.
- E. **Tandem Garages and Garages:** Residents shall use dedicated garages for parking. This requirement shall be incorporated into the Covenants, Conditions and Restrictions (CC&R's) for the project.
- F. **Street Names:** Street names, private or otherwise, used to identify building locations shall be submitted at building permit stage to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council (Resolution No. 4601 and CP 94-13).
- G. **On-Site Recreational Amenities:** The project will provide the number and type of recreational amenities consistent with the plan dated January 22, 2020.
- H. **Tree Replacement Requirements:** The project will comply with all recommendations in the Arborist report and replace all trees at a 2:1 planting ratio. In accordance with Chapter 12.32, a tree removal permit is not required for projects that have been identified for removal and proposed to comply with the two-to-one planting ratio on the landscape plan.
- J. **Landscaping-Parkway/Park Strip Design:** A minimum 5-foot wide planted parkway (measured from face of curb) with irrigation system shall be provided between the street and sidewalk. The applicant will work with the City on providing as much park strip along Monterey Road, as close to the train underpass as possible to be reviewed and approved by City Engineering. Parkway shall be planted with street trees identified within the City of Morgan Hill Master Street Tree Plan. For parkways within a public right-of-way, the City Engineer or designee shall select the species from the applicable planting zone list of the Master Street Tree Plan.

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 shall be subject to the review and approval of the Development Services Director. Adjustment to the lighting intensity may be required after the commencement of the use. **(MHARH p. 67, 109)**
- C. **Architectural Elements**
1. 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.
 2. 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.
 3. **Exterior Treatments and Materials:** At least two materials shall be used on any building facade, in addition to glazing and railings. Any one material must comprise at least 20% of any building facade, excluding windows and railings. A change in material must be offset by a minimum of six inches in depth.
 4. **Front Porches:** 50 percent of homes facing a street or common interior courtyard include a front porch on the ground floor with a minimum size of 6 feet by 5 feet.
 5. **Balconies:** 25 percent of homes facing a street, alley or common interior courtyard include a balcony overlooking a common area with a minimum size of 6 feet by 4 feet.
 6. **Window Design:** The window recesses, trim and other window elements have been designed to be substantial in depth to create shadows. The project incorporates at least one of the following window features throughout the project:
 - a. Minimum depth of at least 1 1/2 inches from glass to exterior of trim;
 - b. Minimum depth of at least six inches from glass to wall edge around windows if there is no trim (this is only appropriate for certain architectural styles such as Spanish Revival or Modern); or,
 - c. Decorative trim elements that add detail and articulation, such as window surrounds with at least a two-inch depth. They must be designed as an integral part of the design
- D. **Noise Study:** The project will comply with the Noise Study recommendations for fencing, building, and window details to ensure compliance with the General Plan Noise decibel limits for exterior and interior levels for residential.

PARKING, VEHICULAR ACCESS AND LANDSCAPING

A. **Parking Lot Landscaping:** All landscaping within parking lots shall comply with the requirements of Chapter 18.72 (Landscaping) in addition to the standards within this section.

1. **Interior Landscaping.** All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than fifteen spaces, the minimum amount of interior landscaping is specified in Table 18.72-6. Interior landscaping is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

Table 18.72-6: Minimum Required Parking Lot Landscaping

Number of Required Parking Spaces	Percent of Surface Parking Area to be Landscaped
Over 60	20 Percent

2. **Shade Trees.**
 - a. One shade tree shall be provided for every five parking spaces in a parking lot.
 - b. Shade trees shall be a minimum twenty-four-inch box in size and shall provide a minimum thirty-foot canopy at maturity.
 - c. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city-recommended list of canopy tree species.
 - d. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21. The arrangement should approximate nearly fifty percent shade coverage.
3. **Concrete Curbs.**
 - a. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of six inches high by four inches deep.
 - b. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory stormwater drainage standards.

4. **Parking Space Landscaping.** A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.
 5. **Timing.** Adjacent parking lot landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.
 6. **Green Parking Exemptions.** Parking lots that incorporate solar panels, bioswales, and other similar green features not otherwise required by post construction stormwater requirements are eligible for reduced parking lot landscaping requirements with the approval of a conditional use permit.
 7. **Exterior Parking Lot Lighting:** For projects with more than six parking spaces, detailed lighting information is provided in compliance with Section 18.72.060.G of the Morgan Hill Municipal Code. Lights shall use cut-off shields and be downward directed.
- B. **Planting and Irrigation Working Drawings:** Detailed landscape planting and irrigation working drawings shall be submitted to the Development Services Director for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.
- C. **Lighting:** Walkways and pedestrian pathways in landscaped areas or common areas not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions. **(MHARH p.30, 67, 108)**
- D. **Maintenance of Landscaping:** The landscaping installed and accepted with this project shall be maintained on the site as stated within the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Development Services Director.
- E. **Water Conserving Landscaping Ordinance:** The landscape plans shall be in conformance with the City's Water Conserving Landscape Ordinance that was developed in accordance with California law. This Ordinance restricts landscaping turf to certain areas, specifies plant selection, requires certain types of irrigation equipment, and calls for the development of comprehensive water use calculations as an aspect of the submitted landscape plans. **(MHMC 18.64)**

SIGNS

- A. **Separate Application Required for Sign Approval:** Signs proposed for this development shall be designed in conformance with the Sign Ordinance and shall require separate application and approval by the Planning Division prior to installation of any signs.
- B. **Directory signs required:** Directory sign(s) and location map(s) shall be provided for apartment, condominium, or townhouse projects prior to occupancy. Location of the sign(s) shall be interior to the project and design of the directory sign(s) shall be approved by the Planning Division and Fire Department prior to issuance of building permits. **(MHARH p.61)**

HABITAT PLAN

- A. **Fees:** The approved project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.
- B. **Application Package:** Prior to issuance of a grading permit, the project shall complete and submit a Habitat Plan Application Package. All fees shall be paid prior to issuance of a grading permit. **(MHMC 18.132)**
- C. **Conditions:** 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)**

AIR QUALITY

- A. **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 submitted for review prior issuance of a grading permit and requirements shall be included 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)**
 - 1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
 - 2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - 3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.
8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
9. Minimizing the idling time of diesel-powered construction equipment to two minutes.
10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
11. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.

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.
1. 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.
 2. 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.
 3. 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).
 4. 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.

5. 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 Development Services 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)
6. 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.
7. 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.)
8. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
9. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services 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.
10. 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.

GENERAL

- A. **Mitigation Fee Act:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of this development project for the purpose of defraying all or a portion of the cost of public facilities related to this development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected as part of development agreements, or as a part of the application for the City's Residential Development Control System. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage. Notice is also hereby given that the Developer has an opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of this development project and that the 90-day protest period has begun.
- B. **Covenants, Conditions and Restrictions:** The applicant shall provide a set of Covenants, Conditions and Restrictions (CC&R's), Bylaws and Articles of Incorporation, for review and approval by the Development Services Director prior to final occupancy or recordation of a final map. All such CC&Rs shall include the following:
1. The Owners recognize that the use, modification and proper maintenance of the public right-of-way(s)* are for the benefit of all citizens of the City of Morgan Hill (City) and that the City is an intended third party beneficiary of these covenants, conditions and restrictions and may, upon notice of hearing as set forth below, exercise the same powers of enforcement as the Association.
- *Public right-of-way: Exclusive of streets dedicated to and accepted by the City of Morgan Hill.
2. The City may, by mail or personal delivery, give written notice of the breach of any maintenance obligation to the Association with a demand that such breach be remedied. If such breach is not remedied within thirty (30) days of the mailing or delivery of such notice, the City shall have standing and the right (but not the obligation) to bring a court action against the Association and Owners to enforce such provision. In addition, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in such action.
 3. The Notice may also contain a date for a hearing on the matter before a City employee designated by the City (which hearing shall be held no sooner than fifteen (15) days after mailing of such notice), and if after such hearing the City determines that there has been inadequate maintenance, the City shall have the right (but not the obligation) to undertake the

maintenance of the public right-of-way in question. Any and all costs incurred by the City in so maintaining the public right-of-way shall be paid by the homeowners association. If payment is not paid, a lien against all the properties included with the Project and shall be the personal responsibility of the Owners and the Association.

4. The entire Project and all of the properties located thereon shall be subject to the conditions and restrictions of all subdivision and other Project approvals by the City, with respect to the Project. Any changes and/or modifications to the Project and/or any Unit, including but not limited to changes to the exterior of any Unit, may be subject to review and approval of the City of Morgan Hill as may be determined by review of the Project approvals by the City of Morgan Hill.
 5. This section may not be amended without the prior written consent of the Development Services Director for the City. Nothing contained in this section shall limit any other right or remedy which the City may have under its ordinances or state law.
 6. For the purposes of this section, the question of whether there has been a breach of a maintenance obligation or adequate maintenance shall be determined by the provisions of the original Declaration as first recorded with the County Recorder for Santa Clara County and by any amendment thereto, but only to the extent that such maintenance obligation or duty of maintenance is increased by such amendment.
- C. **Signed Copies of Resolution with Conditions:** Submit two (2) signed copies of the resolution with conditions to the Planning Division prior to issuance of a building permit.

ENGINEERING DIVISION

PROJECT CONDITIONS

- A. **Stormwater Management:** Project will submit Storm Water Runoff Management Plan (SWRMP) per template as shown on item P of the NPDES Water Quality Stormwater Management Development Standards for all project sections.
- B. **Infiltration Rates:** Submit site-specific infiltration rates at the location of the BMP/retention facility. Percolation test shall be submitted with improvement plan submittal.
- C. **Private Drive:** Pavement section of private drive shall meet the minimum standard of the public street sections.

- D. **Sanitary System.** Sanitary system shall be private. Developer shall enter into Sanitary Operation and Maintenance agreement with the City to ensure the private system will be maintained on a regular basis.
- E. **Backflow Device.** Fire service laterals have the require backflow device.
- F. **Irrigation Laterals.** Irrigation laterals shall be metered with the required backflow device.
- G. **Traffic Signal.** Traffic signal modification plan at entry intersection to be submitted with improvement plan set.
- H. **Restriping.** Project shall provide restriping of the left turn pocket east bound into the project as needed.
- I. **Recordation Fees.** Map recordation fees are due prior to recordation of the Parcel/Final Map.
- J. **Impact Fees.** Public Works impact fees are due prior to occupancy of each unit.
NOTE: Each unit's impact fees will be based on the most current fee schedule at the time of the unit's Building Permit issuance.

GENERAL

- A. **Public and Private Improvements.** The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. (MHMC 12.02.090 A; 17.32.010 A)
- B. **Preparation of Final Map.** The applicant shall have a Final Map prepared by a registered engineer (licensed prior to 01/01/1982: registration number 33,965 or lower) or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Telephone, Cable TV and any other affected agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be set as required by the City Engineer. (MHMC 17.20.200 A; 17.20.290; 17.24.010)
- C. **Profiles.** The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Map. (MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)
- D. **Encroachment Permits.** Obtain necessary encroachment permits from the City of Morgan Hill and provide guarantee covering off-site improvements. (MHMC 12.08.040 A; 12.08.090)

- E. **Improvement Plans.** Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- F. **Improvement Agreement.** Enter into a Subdivision Improvement Agreement (SIA) with the City of Morgan Hill to cover required improvements. (MHMC 12.02.150; 17.32.010 B; 17.32.160)
- G. **Reciprocal Access Easement.** Reciprocal access easements consistent with the vesting tentative map and maintenance requirements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's, which shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. (MHMC 17.20.350 H)
- H. **Impact Fee Increase.** The City of Morgan Hill, pursuant to City Code Chapter 3.56 has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. (MHMC 3.56.010; 3.56.030; 3.56.050)
- I. **Parkland Dedication and Fee.** This project is subject to the Parkland Dedication and Parkland Fee In-Lieu requirements (Morgan Hill Municipal Code Chapter 17.28).
 - 1. The City will require this project to pay fees in lieu of parkland dedication to meet the parkland obligation. The project's parkland obligation will be calculated using the formula shown in Section 17.28.060. The fees will be due at the time of filing of the project's final map.

Private recreation credits, which could allow a credit of up to 40% towards the parkland obligation, could be available for private open space(s) within the subdivision that meets the standard requirements listed in Section 17.28.130

STREET IMPROVEMENTS

- A. **Public and Private Streets.** The applicant shall cause the design and construction of all new public and private streets serving the project. The design of all new public and private streets shall be consistent with the General Plan Land Use and Circulation Element as well as the Street Standard Details as contained within the Public Works Standards Details. The construction of the streets shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the satisfaction of the City Engineer. The timing of the improvements will be determined by the City. (MHMC 12.02.010; 12.02.090; 17.32.060 B; CMH General Plan; CMH Design Standards and Standard Details for Construction)

- B. **Installation and Dedication of Streets.** The project shall install and dedicate street improvement, consistent with the vesting tentative map, including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting in conformance with City of Morgan Hill requirements. (MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010; 17.32.060)
- C. **Underground existing utilities.** All existing overhead utilities adjacent to any site boundary or along any street frontage of site shall be placed underground in accordance with City standards and affected utility company guidelines. (MHMC 12.02.090 B; 17.32.020 E.1)
- D. **Broadband Connectivity:**
The project provides the following broadband connectivity to the project:
 - a. Broadband conduit installed in the public right-of-way to serve the project.
 - b. Broadband conduit from the public right-of-way to each home or occupied building in the project.
 - c. Pre-install indoor conduit, wiring and other necessary infrastructure so that broadband service may be provided to each unit.
(GP Action Items SSI-18.A and SSI-18.B)

SANITARY SEWER SYSTEM

- A. **Design of Sewer Improvements.** The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on the proposed public street(s) or private street(s)/drive aisle(s). The sanitary collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye-branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. (MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction)
- B. **Sewer Connections:** All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. (MHMC 13.24.060; 17.32.20 C)

STORM DRAIN SYSTEM

- A. **Storm Drainage Study.** A complete storm drainage study of the proposed development must be submitted showing amount of run-off, and existing and proposed drainage structure capacities. This study shall be subject to review and approval by the City Engineer. All needed improvements will be made by the applicant. No overloading of the existing system will be permitted. (MHMC

17.32.020 B;17.32.090; CMH Design Standards and Standard Details for Construction)

- B. **Storm Drainage Design.** The applicant shall cause the design and construction to be undertaken for a storm drainage collection system shown on the Tentative Map/Site Review plans. All storm drain improvements shall be constructed to the satisfaction of the City Engineer. (MHMC 17.32.020 A & B)
- C. **Storm Drainage Capacity.** Collection system shall be designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry a 100-year storm. Items of construction shall include, but not be limited to installation of storm line extension on proposed public street(s), surface and subsurface storm drain facilities, manholes with manhole frames and covers, catch basins and laterals. Note: the project may be required to retain stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows. (MHMC 17.32.020 B; 18.74.440; CMH Design Standards and Standard Details for Construction; CMH Storm Drainage System Master Plan)
- D. **Storm Drainage General Requirements.** Prior to final map approval or issuance of a grading permit the applicant shall complete the following to the satisfaction of the City Engineer.
 - 1. Storm drain calculations to determine detention/retention pond sizing and operations.
 - 2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 - 3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.
 (CMH Design Standards and Standard Details for Construction)
- E. **Best Management Practices.** BMP Tree protection shall be part of the SWPPP inspections.
- F. **NPDES Construction Activity General Permit/SWPPP Requirements.** As required by the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in

accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Land Development Engineering. A Waste Discharger Identification (WDID) number will be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WIDI number and approved SWPPP Manual shall be provided to Land Development Engineering Division and the Building Division prior to any approval of grading activities (SWRCB NPDES General Permit CA000002).

G. NPDES General Permit/Site SWPPP Inspections and Compliance.

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

*BMPs maintenance/inspections shall include tree protection if applicable

*BMPs maintenance/inspections shall include tree protection if applicable

WATER SYSTEM

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

OTHER CONDITIONS

- A. **Easement Dedications.** The owner shall dedicate all necessary utility easements consistent with the vesting tentative map. (MHMC 12.02.080 D; 17.28.010 A)
- B. **Final Map.** The final map on all major subdivision (5 or more lots or five or more condominiums) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivision (4 lots or less), the final map shall be signed by the City Engineer and the Planning Commission Secretary prior to issuance of a grading permit. (MHMC 17.20.390; 17.24.210)
- C. **Landscaping and Irrigation Systems.** Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this tract area shall be continuously maintained by the Homeowner's Association.
- D. **Final Landscape Plans.** Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. (MHMC 17.08.090)
- E. **Pre-construction Meeting.** Prior to commencing grading activity, the developer shall schedule a preconstruction meeting with the Engineering Land Development with the following project team members:

1. Civil Engineer of record.
2. Geotechnical Engineer of record.
3. Third Party QSD/QSP SWPPP Inspector.
4. General Contractor.
5. Sub Contractors.

NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS FOR ALL PROJECTS

- A. **State Water Resources Control Board Post Construction Requirements (PCRs).** Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml). A copy of the guidance manual can be obtained through the Land Development Engineering's internet site. Project shall provide Stormwater Control Plan Checklist and applicable calculations per the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements:
1. Performance Requirement 1: Site Design and Runoff Reduction
 2. Performance Requirement 2: Water Quality Treatment
 3. Performance Requirement 3: Runoff Retention
 4. Performance Requirement 4: Peak Management
- B. **Peak Storm Water Runoff Discharge Rates.** Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. Note: the project may be required to **retain** stormwater runoff as part of resolution R3-2013-0032 prior to releasing discharge rates at pre-development flows.
- C. **Conserve Natural Areas.** If applicable, the following items are required and must be implemented in the site layout during the subdivision design and approval process, consistent with applicable General Plan and Local Area Plan policies:

1. Concentrate or cluster Development on portions of a site while leaving the remaining land in a natural undisturbed condition.
 2. Limit clearing and grading of native vegetation at a site to the minimum amount needed to build lots, allow access, and provide fire protection.
 3. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
 4. Promote natural vegetation by using parking lot islands and other landscaped areas. Preserve riparian areas and wetlands.
- D. **Minimize Storm Water Pollutants of Concern.** Storm water runoff from a site has the potential to contribute oil and grease, suspended solids, metals, gasoline, pesticides, and pathogens to the storm water conveyance system. The development must be designed so as to minimize, to the maximum extent practicable, the introduction of pollutants of concern that may result in significant impacts, generated from site runoff of directly connected impervious areas (DCIA), to the storm water conveyance system as approved by the building official. Pollutants of concern consist of any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water, elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bio-accumulate in organisms therein, or the detectable inputs of the pollutant are at concentrations or loads considered potentially toxic to humans and/or flora and fauna.
- In meeting this specific requirement, “minimization of the pollutants of concern” will require the incorporation of a BMP or combination of BMPs best suited to maximize the reduction of pollutant loadings in that runoff to the Maximum Extent Practicable. Those BMPs best suited for that purpose are those listed in:
1. [California Stormwater Quality Association \(CASQA\) Handbook: BMPs for New Development and Redevelopment](#)
 2. [Bay Area Stormwater Management Agencies Association \(BASMAA\) Design Guidance Manual for Stormwater Quality Protection: Start at the Source 1999](#)
 3. [California Storm Water Best Management Practices Handbooks](#)
 4. [Caltrans Storm Water Quality Handbook: Planning and Design Staff Guide](#)
- E. **Protect Slopes and Channels.** Project plans must include BMPs per the [Santa Clara Valley Water Resource Protection Collaborative: Guidelines and Standards for Land Use Near Streams](#) to decrease the potential of slopes and/or channels from eroding and impacting storm water runoff; at a minimum the following shall be addressed:
1. Convey runoff safely from the tops of slopes and stabilize disturbed slopes.

2. Utilize natural drainage systems to the maximum extent practicable.
 3. Stabilize permanent channel crossings.
 4. Vegetate slopes with native or drought tolerant vegetation, as appropriate.
 5. Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion, with the approval of all agencies with jurisdiction, e.g., Santa Clara Valley Water District, the U.S. Army Corps of Engineers, and the California Department of Fish and Game.
 6. Project shall not grade within 30 feet of a perennial or intermittent stream (top of bank) or within 30 feet of riparian habitat.
- F. **Provide Storm Drain System Stenciling and Signage.** Storm drain stencils are highly visible source controls that are typically placed directly adjacent to storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.
- G. **Properly Design Outdoor Material Storage Areas.** Outdoor material storage areas refer to storage areas or storage facilities solely for the storage of materials. Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the storm water conveyance system, the following Structural or Treatment BMPs are required:
1. Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
 2. The storage area must be paved and sufficiently impervious to contain leaks and spills.

3. The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

H. **Properly Design Trash Enclosure Areas.** All trash enclosure areas must meet the following Structural or Treatment Control BMP requirements (individual single-family residences are exempt from these requirements):

1. Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents
 - a. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
 - b. Doors: Trash enclosure shall have door(s) which can be secured when closed.
 - c. Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
 - d. Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.

I. **Design Standards for Structural or Treatment Control BMPs.** The post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow- based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff:

1. Volumetric Treatment Control BMP:
 - a. The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
 - b. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/ Commercial, (2003); or
 - c. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.
2. Flow Based Treatment Control BMP:

- a. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or
 - b. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.
- J. **Stormwater Runoff Management Plan (SWRMP) required.** The stormwater runoff management plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.
 1. The stormwater runoff management plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved stormwater runoff management plan.
 2. The City Engineer or designee may require a developer to provide a signed certification from the civil engineer responsible for preparing the stormwater runoff management plan that all stormwater best management practices have been designed to meet the requirements of this chapter.
 3. Each certifying civil engineer shall establish to the city's satisfaction that such person has been trained on the design of stormwater quality best management practices not more than three years prior to the certification signature date.
 4. Qualifying training shall be conducted by an organization with stormwater quality management expertise, such as a university, the Bay Area Stormwater Management Agencies Association, the American Society of Civil Engineers, the American Public Works Association, or the California Water Environment Association.
 5. For template format see Item O below. A word document can be provided by the Engineering Division.
- K. **Stormwater BMP Operation, Maintenance, and Replacement Responsibility.**
 1. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the city.
 2. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.

3. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved stormwater runoff management plan.

L. Stormwater BMP Operation and Maintenance Agreement (SWBOMA)

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

1. Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written stormwater BMP operation and maintenance agreement with the city. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs (City Standard Stormwater BMP Operation and Maintenance Agreement to be provided by Land Development Engineering).
2. The stormwater BMP operation and maintenance agreement shall require that the BMPs not be modified and BMP maintenance activities not alter the designed function of the facility from its original design unless approved by the City prior to the commencement of the proposed modification or maintenance activity.
3. The stormwater BMP operation and maintenance agreement shall provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the City shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.

M. Stormwater BMP Inspection Responsibility:

1. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a Registered Civil Engineer (RCE).
2. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - a. Site address;
 - b. Date and time of inspection;

- c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.
3. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering.
- N. **Records of Maintenance and Inspection Activities.** On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.
- O. **Annual Certification of SWRMP.** On or before September 30th of each year a Registered Civil Engineer (RCE) shall provide written certification that the developments stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

BUILDING DIVISION

- A. **California Code of Regulations:** Project shall be designed to comply with the most current California Code of Regulations as amended by Morgan Hill Municipal Code Title 15. Building Permit applications submitted after January 1, 2020 shall be designed to comply with the 2019 California Codes of Regulations.
- B. **Compliance with Morgan Hill Municipal Code:** Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
- 1. MHMC 15.65 Sustainable Building Regulations.
 - 2. MHMC 18.72.040 C. Electric Vehicle Charging.
When Required. Electric vehicle charging stations shall be provided:
 - For new structures or uses required to provide at least twenty-five parking spaces; and
 - Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.
 Number of Charging Stations. The number of required charging stations shall be as follows:
 - Twenty-five to forty-nine parking spaces: One charging station.
 - Fifty to one hundred parking spaces: Two charging stations, plus one for each additional fifty parking spaces.

3. MHMC 15.40 Building Security
4. MHMC 15.38 Wage Theft Preventions

FIRE DIVISION

- A. **Preliminary Review Only:** The requirements and conditions stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete plan submittal application that clearly shows all intended grading, demolition, construction or building modifications.
- B. **Proposal limited to:** Review of this Development proposal is limited to acceptability of site access as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
- C. **Fire Apparatus (Engine) Access Roads Required:** Prior to the commencement of combustible construction, an access roadway with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform to the City of Morgan Hill Standard Details and Specifications 11-B. **(CFC Section 503 as amended by MHMC 15.44.140)**
- D. **Fire Hydrant Location Identifier:** Prior to project final inspection, the general contractor shall ensure that an approved ("Blue Dot") fire hydrant location identifier has been placed in the roadway, as directed by the fire department.
- E. **Timing of Required Roadway Installations:** Prior to the commencement of combustible construction, the required roadway installations, up through first lift of asphalt, shall be in place, inspected, and accepted by the City of Morgan Hill unless otherwise approved in writing by the Fire Marshal. Bulk combustible construction materials shall not be delivered to the construction site until installations are completed as stated above. During construction, emergency access roads shall be maintained clear and unimpeded. Issuance of building permits may be withheld until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**
- F. **Timing of Required Water Supply Installations:** Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested, and accepted by the Fire Department and the City of Morgan Hill, unless otherwise approved in writing by

the Fire Marshal. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**

- G. **Fire Lane Marking Required:** Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and the City of Morgan Hill Standard Details and Specifications 11-F. **(CFC Section 503)**
- H. **Automatic Fire Sprinkler System Required:** Buildings requiring automatic fire sprinkler system shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13. **(CFC Chapter 9 as amended by MHMC 15.44.170)**
- I. **Private on-site Fire Service Mains and Hydrants:** Installations shall conform to National Fire Protection Association Standard #24, and the City of Morgan Hill Standard Details and Specifications. Provide plan submittal to the City of Morgan Hill for review and approval prior to installation.
- J. **Aerial Fire Apparatus Access Roads**
 - 1. Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided. Department reviewed the fire apparatus access roads and determined that they are capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
 - 2. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.
 - 3. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official. The department reviewed the access routes in proximity to the buildings and determined the site layout is acceptable.
- K. **Parking Along Roadways:** The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be

measured face to face of curb. Parking spaces are based on an 8-foot-wide space. **(CFC Section 503)**

L. Requirements for Secondary Access Roads (Shall be completed prior to exceeding 101 units):

1. Separation of access roads. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses (from centerline to centerline).
2. Connection to other roads: Where a secondary access roadway connects to a public or private street there shall be either; no curb, a rolled curb or a driveway cut as approved by the fire code official.
3. Easements: Only lands owned or in control of the property owner, held in common with adjacent properties or publicly owned may be used for secondary access. Secondary access roadways shall not be located in easements through private property unless specifically approved by the fire code official. When easements are required for secondary access roadways, they shall be recorded as Emergency Vehicle Ingress Egress Easements (E.V.I.E.E) granted to the Fire Department.
4. Marking and Identification: When necessary, signs or other approved notices shall be posted at secondary access roadways to prevent obstruction by parked vehicles. Such signs or notices shall be in accordance with Fire Prevention Division Standards.
5. Maintenance: Secondary access roadways shall be maintained at all times by the property owner. The roadway surface gates/locks and vertical and horizontal clearances shall be maintained in serviceable condition. Maintenance of secondary access roadways on commonly held lands shall be clearly stated in the Covenant, Conditions, and Restrictions (CC&R) or Landscape Maintenance agreements of the development project. The CC&Rs shall mandate that the owners association shall retain professional management to oversee maintenance responsibilities.

POLICE DEPARTMENT

- A. **Addressing Marker.** The Police Department requests addressing marker or lighted unit/number sign at the entrance to the 3 stub lanes to facilitate emergency responders to locate individual unit.

HOUSING DIVISION

- A. **Inclusionary Housing Agreement:** The developer shall execute and record an Inclusionary Affordable Housing Agreement with the City prior to issuance of a building permit. **(MHMC 14.04.050)** Pursuant to the Inclusionary Housing Ordinance No. 2278 – Developer shall provide 15 percent Below Market Rate (BMR) units. This project is required to build 15.15 units which equates to 15 BMR units and a contribution of 0.15 percent fractional fee.
- B. **BMR Standards:** The Below Market Rate (BMR) units shall comply with the BMR standards.

BMR standards:

1. Location. BMR units shall be distributed evenly throughout the project.
2. Lot Size. Lot size shall be at least the same size as the smallest lot of a market rate unit within the project;
3. Bedroom Count. Average bedroom count shall be the same as the average bedroom count in the market rate units in the project;
4. Exterior. Exterior trim entry door hardware, and finish to the same standard as the Market Rate
5. Minimum standards for equipment, fixtures, appliances and finishes have been established for the BMR units. All items installed by the developer shall be of good quality and in new condition. Good quality shall be deemed as entry level but generally not the lowest level of product offered for that application. All products shall offer durability, reliability and maintain a quality appearance and function that is standard to most other median priced homes in the area. The below listed items must be installed as a basic feature of each BMR home.
6. Minimum Interior standard finishes will be as follows:
 - a. All closets shall have doors
 - b. Interior doors to be raised panel type or same as market rate
 - c. Door hardware to be brass finish or equivalent
 - d. Appliances shall be major brand name
 - e. Microwave with an exhaust vent shall be installed over the range
 - f. Kitchen counters shall be white ceramic tile
 - g. Kitchen cabinets shall be stained wood with white melamine interiors
 - h. Units will be roughed in for AC including electrical and line set
 - i. Basic alarm system to secure all accessible openings to the home
 - j. Carpet in bedrooms, hallways, family rooms
 - k. Linoleum or tile entry, bathroom kitchens
 - l. Laminate flooring may substitute for carpet or linoleum
 - m. Electric garage door opener
7. Timing of Construction. BMR units shall be constructed in proportion to the BMR ownership housing requirement applicable to the project. For example, for a project with 389 units and an 20% BMR rental housing

commitment, at least one BMR unit shall be constructed before or concurrently with every 5th market rate unit constructed. The last market rate unit to be completed in the project may not receive a certificate of occupancy until the last BMR unit has received a certificate of occupancy. The Director may approve a modified schedule if the timing requirement will create unreasonable delays in the issuance of certificates of occupancy for market rate units.

ORDINANCE NO. 2298, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ADD A PLANNED DEVELOPMENT (PD) COMBINING DISTRICT ESTABLISHING A BLOCK-LEVEL MASTER PLAN FOR MONTEREY ROAD CORRIDOR BLOCK FOUR, AN APPROXIMATELY 7.58-ACRE SITE LOCATED ON THE EAST SIDE OF MONTEREY ROAD OPPOSITE OLD MONTEREY ROAD (APN 726-25-006 AND 726-25-005)

WHEREAS, on July 27, 2016 the City Council adopted the Morgan Hill 2035 General Plan, a comprehensive update of the City's 2001 General Plan; and

WHEREAS, the Morgan Hill 2035 General Plan Land Use Map designates certain properties Mixed Use Flex; and

WHEREAS, the Mixed Use Flex designation, which is primarily applied to properties along the Monterey Road corridor north and south of Downtown, allows for a mix of residential, commercial, and office uses applied either vertically (i.e., one structure with multiple uses) or horizontally (i.e., structures with different land uses located adjacent to one another). The Mixed Use Flex designation allows 7 to 24 units per acre (residential) and a maximum FAR of 0.5 (commercial) and density should transition from higher near Downtown to lower at the ends of the Monterey Road corridor; and

WHEREAS, the Morgan Hill 2035 General Plan requires that, prior to development of residential or mixed-use projects within the Mixed Use Flex designation a Block-Level Master Plan is required to: A) identify how commercial uses will be incorporated within the development of the block, and B) how individual development projects will connect with each other; and

WHEREAS, the Block-Level Master Plan requirement applies to those segments of the Monterey Road Corridor north and south of Downtown that include properties that have a Mixed Use Flex General Plan Land Use designation. Blocks may include properties with a variety of General Plan designations (e.g., Commercial, Residential Attached Low, Public Facilities, Mixed Use Flex, etc.) and Zoning Districts (e.g., CG General Commercial, RAL 3,500, PF Public Facilities, MU-F Mixed Use Flex, etc.);

WHEREAS, Section 18.30.050 of the Zoning Code states that the purpose of the Planned Development (PD) combining district is to allow for high quality development that deviates from standards and regulations applicable to base zoning districts in Morgan Hill. The PD combining district is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The PD combining district provides land owners with enhanced flexibility to take advantage of unique site characteristics and develop projects that will provide public benefits for residents, employees, and visitors; and

WHEREAS, Section 18.114.020 of the Zoning Code states that the City Council, Planning Commission, or Community Development Director may initiate Zoning Map and Text amendments; and

WHEREAS, on December 19, 2018 the City Council directed staff to draft a Zoning amendment to establish a Block-Level Master Plan (BLMP) Planned Development (PD) for Monterey Road Corridor Block One and Block Four; and

WHEREAS, in addition to the underlying base zoning district requirements, specific requirements are shown/listed in **Exhibit A: Block-Level Master Plan Map – Block Four** and **Exhibit B: Block-Level Master Plan Land Use Regulations - Block Four**; and

WHEREAS, Exhibit A includes, by reference, the existing 58-unit residential development on an approximately 4.37-acre site zoned R3(PD) Planned Development (Ordinance No. 2169, New Series adopted October 7, 2015) and that existing development will remain subject to that Ordinance unless subsequently amended; and

WHEREAS, an Addendum to the Environmental Impact Report (EIR) for the City of Morgan Hill's Morgan Hill 2035 Project certified on July 27, 2016 (State Clearinghouse No. 2015022074) was prepared for the Zoning Code Update project pursuant to the provisions of the State of California Environmental Quality Act (CEQA) Guidelines Section 15164, and the Addendum concludes that the proposed project will not result in any new impacts that were not already identified in the Morgan Hill 2035 EIR or any impacts of greater severity than were already addressed; and

WHEREAS, a visioning and goal setting workshop was held on September 25, 2018 where members of the public and various stakeholders provided feedback that facilitated the crafting of preliminary guiding principles for the development of the Monterey Corridor; 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; and

WHEREAS, the Block-Level Master Plan Planned Development (BLMP PD) ordinance for Monterey Corridor Block Four, was considered by the Planning Commission at their study session and regular meeting of January 22, 2019, at which time the Planning Commission recommended City Council consider the Addendum to the Morgan Hill 2035 EIR in accordance with the California Environmental Quality Act (CEQA) and approval of the Zoning Amendment to establish a BLMP PD for Monterey Corridor Block Four; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

SECTION 1. The proposed Monterey Road Corridor Block-Level Master Plan Planned Development (BLMP PD) is consistent with the Morgan Hill 2035 General Plan.

SECTION 2. The Amendment to establish this BLMP PD is required in order to serve the public convenience, necessity, and general welfare as provided in Section 18.114.060 of the Municipal Code.

SECTION 3. The City Council has considered the Addendum to the Morgan Hill 2035 Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA).

SECTION 4. There hereby is attached hereto as **Exhibit A: Block-Level Master Plan Map – Block Four** and made a part of this ordinance.

SECTION 5. There hereby is attached hereto as **Exhibit B: Block-Level Master Plan Land Use Regulations - Block Four** and made a part of this ordinance.

SECTION 6. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 7. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 6th DAY OF FEBRUARY 2019, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 20th DAY OF FEBRUARY 2019, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH THE LAW BY THE FOLLOWING VOTE:

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

APPROVED:

RICH CONSTANTINE, Mayor

ATTEST:

IRMA TORREZ, City Clerk

DATE: _____

Effective March 21, 2019

⌘ CERTIFICATION ⌘

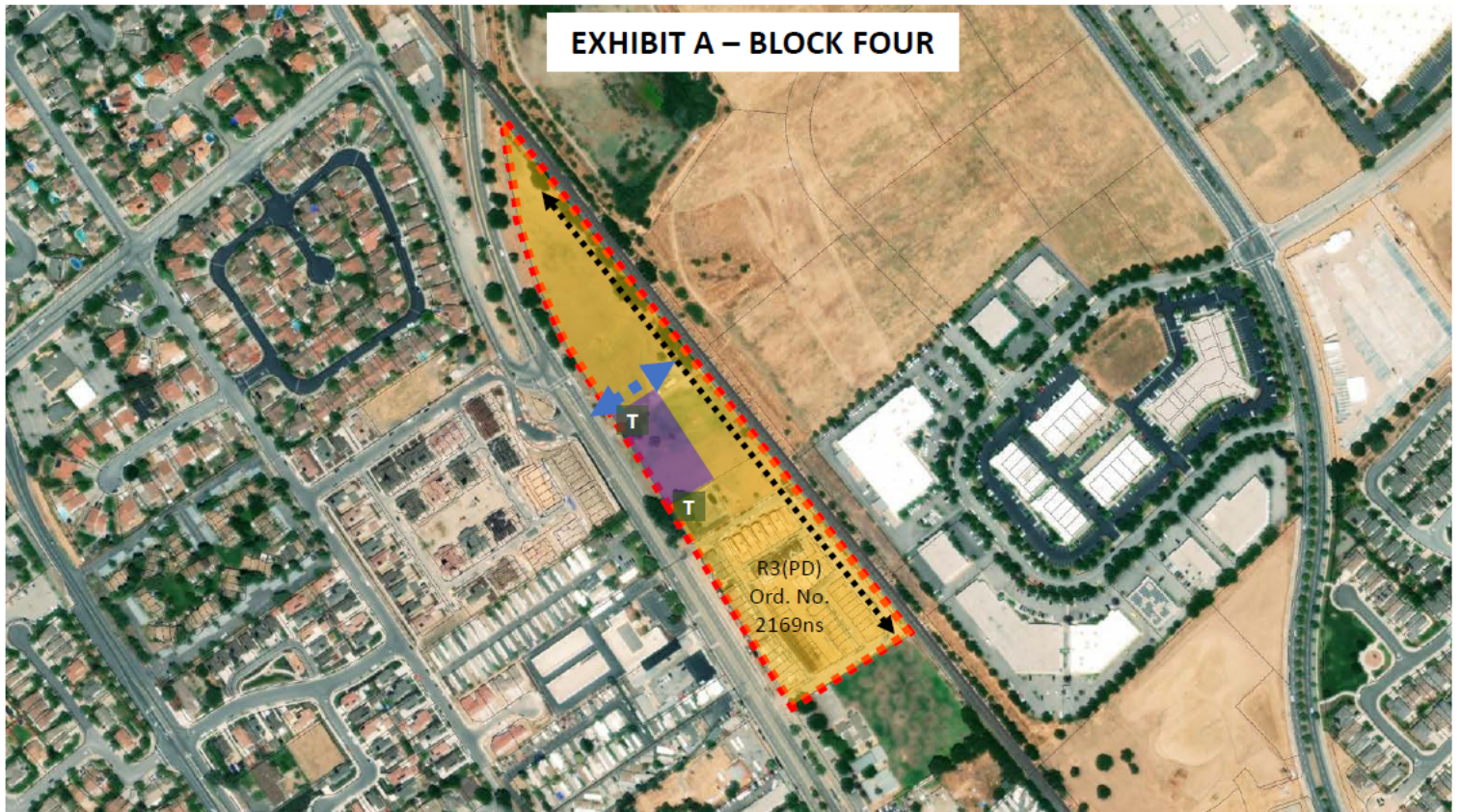
I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2298, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 20th day of February 2019.

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

DATE: _____

IRMA TORREZ, City Clerk

Exhibit A: Block-Level Master Plan Map – Block Four



Block



East Leg of Old Monterey Rd / Monterey Rd



Landscape/Private Street Buffer



Residential or Commercial



Commercial or Mixed-Use



Preserve Specimen Tree

Exhibit B: Block-Level Master Plan Land Use Regulations - Block Four

I. Land Use Regulations

- A. **Permitted Uses.** Zoning Code Table 18.22-1 identifies permitted uses in the MU-F Mixed Use Flex Zoning District. Specific uses allowed for Block Four are further described on Exhibit A and below.
- B. **Development Standards.** Zoning Code Tables 18.22-2 and 18.22-3 identify development standards for the MU-F Mixed Use Flex Zoning District.
 1. Residential Density. 7 to 24 du/ac.
 2. Floor Area Ratio. For non-residential and vertical mixed-use projects, the maximum floor area ratio (FAR) is 0.5.
 3. Setbacks. The setbacks identified in Zoning Code Table 18.22-3 are required setbacks around the project perimeter.
 4. Residential Development Standards. A medium density residential development project may use the development standards specified in Zoning Code Section 18.40.050 and through the subsequent PD Master Plan process establish deviations from those standards.
- C. **Commercial Requirements**
 1. Corner Lot Commercial/Non-Residential. Commercial use(s) (retail, services, office) and/or other non-residential (public/quasi-public) use(s) are required at the southeast corner of Monterey Road and the new intersection opposite Old Monterey Road. Commercial or non-residential use(s) may be accommodated within a standalone building(s) or in vertical mixed-use building(s).
 2. Tree Preservation. The existing specimen trees located in/adjacent to the commercial/mixed-use area shall be preserved in place as a key/public feature of any future project. Preserve all other significant trees to the greatest extent practicable, as defined in Municipal Code Chapter 12.32 – Restrictions on Removal of Significant Trees.
 3. Connections. Ensure a strong connection between the commercial/non-residential, residential, and public gathering places within the block.
- D. **General Specifications**
 1. Primary entrances for new buildings should be oriented toward the street.
 2. Parking for new uses should be located behind buildings with limited or no visibility from streets.
 3. Primary access to/from rear parking areas shall be provided via driveways (including shared driveways) located at side streets (i.e., not from Monterey Road) to the greatest extent possible.
 4. First floor floor-to-ceiling clear height for non-residential uses: 14-feet minimum.

5. Building depth for non-residential uses: 35-feet minimum.
6. Urban Form Characteristics:
 - a. Signature design qualities and attractive architectural features, including articulated facades, projections, and recessed entryways
 - b. Adaptive reuse where existing buildings may have desirable characteristics
 - c. Higher intensity development designed with sensitivity to adjacent lower intensity residential development
 - d. Street design balancing pedestrian and bicycle use with vehicular circulation
 - e. Consistent planting of street trees to provide shade and enhance character and identity
 - f. Well-designed, publicly-accessible open space
7. Reasonable accommodations shall be provided, as appropriate, to provide relief from any physical standards that make meeting accessibility requirements challenging for a particular project.
8. Future development must accommodate and complete the fourth leg of the intersection with Monterey Road / Old Monterey Road.
9. Future development must provide a buffer to the adjacent railroad right-of-way and internal connection between developments within the block.
10. Future development must provide commercial/non-residential component at new intersection to support new and existing residential.
- E. **Public Gathering Places.** Residential or mixed-use project sites over 1.5 acres must provide one or more public gathering places such as plazas, courtyards, and parks.
 1. Location. The public gathering space must be located close to pedestrian activity, along streets, or where pathways intersect.
 2. Activity. For public gathering places incorporated into mixed use development with ground floor commercial uses, active ground-floor uses (e.g., retail or restaurants) must be located along the edge of a courtyard and plazas.
 3. Visibility and Access. Plazas, courtyards, and other similar spaces must open to public sidewalks and building entrances to provide visibility and access opportunities along project frontages.
 4. Seating. Usable open spaces must include well-designed seating, such as seat walls, free-standing elements, fixed and moveable seating, and other seating options.
 5. Year-round Use. Open space must be usable year-round with features such as awnings, wind breaks, sun shades, and umbrellas, or other similar features that provide shelter from the elements.
 6. Specimen Trees. Incorporate existing specimen trees into design of public gathering space(s).

- F. **Temporary Uses.** In addition to the temporary uses allowed and requirements established in Section 18.92.150, the temporary use of private parcels for community events, food vending, and pop-up parks may be allowed with the issuance of a Temporary Use Permit.

II. Subsequent Approvals

- A. **Zoning Amendment/PD Master Plan.** Pursuant to the requirements of Zoning Code Section 18.30.050 – Planned Development Combining District, a Zoning Amendment to establish a PD Master Plan is required. The PD Master Plan shall be consistent with the approved BLMP PD and must plan for the future development and integration of all parts of the block.
- B. **Design Review.** A proposed development must receive a Design Permit as required by Zoning Code Section 18.108.040. All development and land uses within the BLMP PD shall be consistent with the approved PD Master Plan.



SD2019-0004, SR2019-0026, EA2019-0019 City Ventures - Monterey



Attachment: Staff Presentation City Ventures - Monterey (2664 : Monterey - City Ventures)

March 24, 2020



Project Site and Location





Project History

- July 2016 - 2035 General Plan
- February 2019 - Block Level Master Plan
- January 2020 - California Senate Bill 330
- March 2020 – City Council grants Parking Concession

Project Request

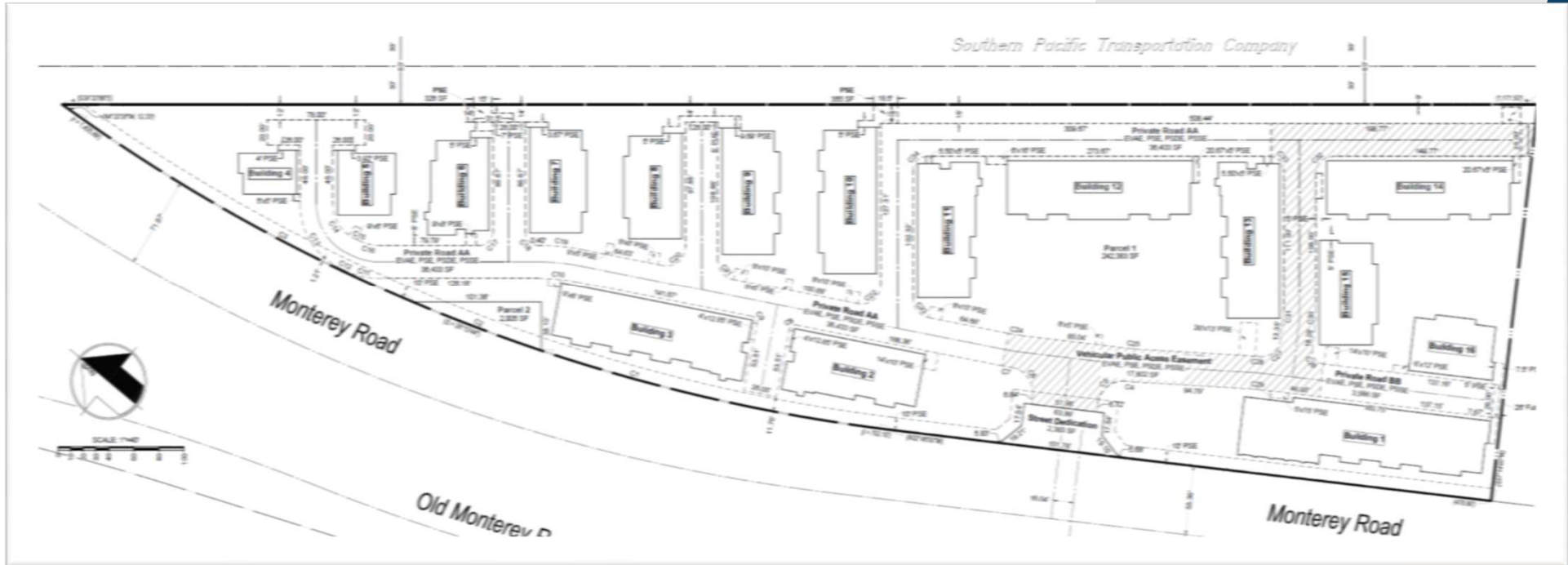
- Vesting Tentative Map
- Design Review
- Mitigated Negative Declaration





Vesting Tentative Map

- 101 Multi-family
- 2,423 sq ft Commercial Space
- Common Open Space





Design Review

- 97 Multi-Family Units
- 4 Live-Work Units
- 15 Affordable Units
- 2,423 sq ft Commercial Building with outdoor patio area
- 3 Large Common Open Space areas with amenities

Design Review



MONTEREY GATEWAY



Common Open Space

Large lawn plus adjacent seating: 14,668 sf

Court plus tot lot plus adjacent seating: 13,344 sf

South end park: 7,544 sf

LEGEND

- | | | | | | | |
|--|-----------------------|------------------------|---------------------------------------|--------------------|-----------------------|--------------------------------------|
| 1 Optional signage wall | 4 Optional fire table | 7 Event lawn/turf play | 10 Trellis w/seating and chess tables | 13 Putting green | 16 Property line | 19 8'-10' Tall CMU Soundwall w/Vines |
| 2 Seating area w/ optional shade and bocce | 5 Tot lot/kids play | 8 Lounge seating | 11 Sport court in hammerhead | 14 Enhanced paving | 17 Seating at tot-lot | 20 6' Tall Wood Fence w/Vines |
| 3 Open lawn | 6 BBQ area | 9 Garden paseo | 12 Basketball area | 15 Shaded seating | 18 Existing trees | --- Path of Travel |

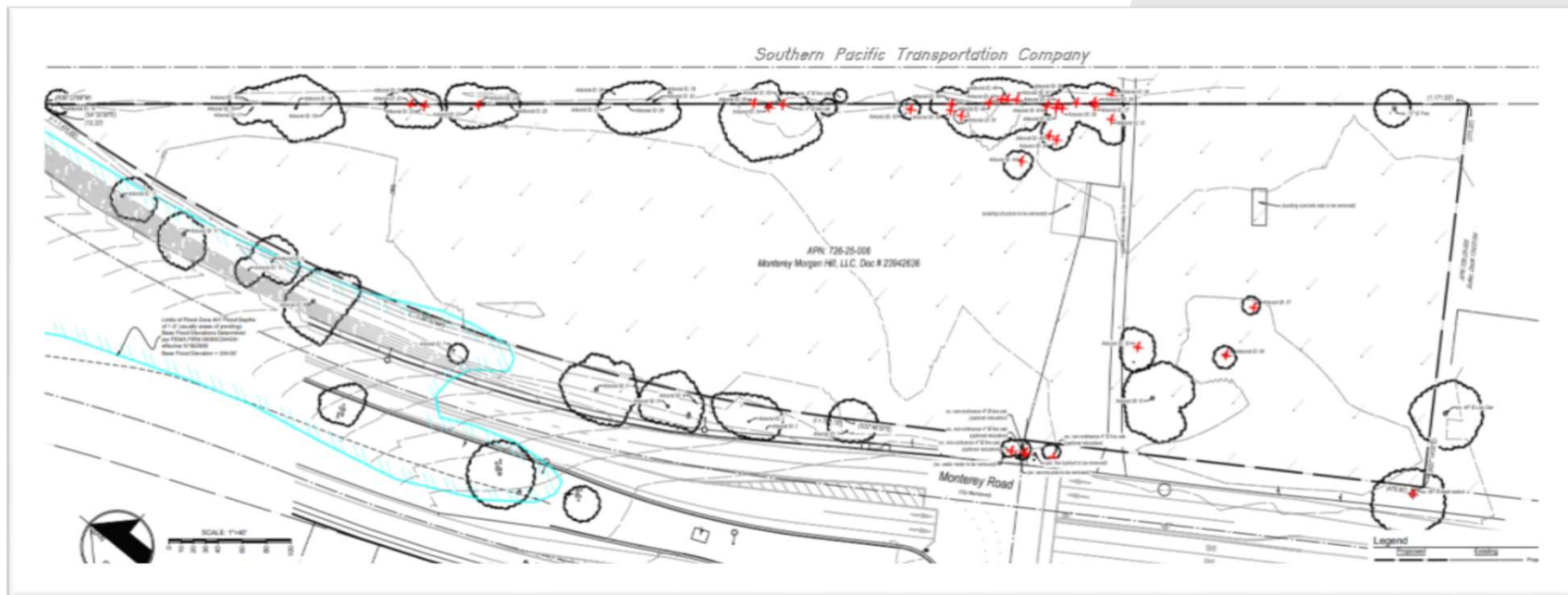




Trees

60 Trees on Property

- 45 Oaks, remainder are non-indigenous
- 27 Oaks will be preserved
- 33 total trees removed (18 Oaks)
- Oaks to be replaced at a 2:1 ratio as conditioned





Environmental Review

Biological Resources

- Burrowing Owls
- Nesting Migratory Birds and Raptors

Noise

- Construction – Temporary
- Interior Noise Levels – GP Consistency
- Exterior Noised Levels – GP Consistency

Hazardous Materials

- Demolition of Existing Structure



Project Consistency

Tentative Map

- Consistent with the General Plan
- Consistent with all subdivision standards for MU-F

Design Review

- Consistent with the General Plan
- Consistent with Block Level Master Plan
- Consistent with Municipal Code MU-F land use and development standards

Environmental Review (CEQA)

- Less Than Significant Impact with Mitigations



Community Engagement

Draft Environmental Document Public Notice:

- Newspaper
- Santa Clara County Clerk's Office
- State Clearing House - 30-day circulation

Vesting Tentative Map and Design Review Permit

- Newspaper
- 600 foot notification
- Sign posted at the property

No comments were received on the environmental document or the proposed project



Recommendation

Adopt a resolution approving:

- Mitigated Negative Declaration
- Vesting Tentative map with conditions of approval
- Design Review Permit with conditions of approval

Thank You



CITY OF MORGAN HILL

Item # 2**AGENDA DATE: 03/24/2020
SUPPLEMENT # 1**

From: [Jennifer Carman](#)
To: [Angie Gonzalez](#)
Subject: Fw: Item: SD2019-0004/SR2019-0026/EA2019-0019
Date: Tuesday, March 24, 2020 7:35:51 PM

From: John Hughes <jhhughes22@gmail.com>
Sent: Tuesday, March 24, 2020 7:09 PM
To: PC Public Comment <PCPublicComment@morganhill.ca.gov>
Subject: Item: SD2019-0004/SR2019-0026/EA2019-0019

I want to know why agenda item SD2019-0004/SR2019-0026/EA2019-0019 for the Mar. 24 meeting does not mention the California High Speed Rail Project that plans to route their trains along the UPRR right-of-way. It seems like an important detail that was omitted.

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