CITY OF MORGAN HILL

Regular Meeting Agenda

Planning Commission

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

Tuesday, August 24, 2021 7:00 pm

Virtual Meeting

VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

Planning Commission meetings will be live streamed on Channel 17, on the City's website and on the City's Facebook page. Those members of the community that would like to participate in the meetings remotely may do so by join the virtual meeting at: https://bit.ly/PlanningCommissionMtg or by calling in to: (669) 900-9128, then enter the webinar ID#: 862 0324 6251.

Public comment may be provided in the following ways:

- Join the virtual Planning Commission meeting via the link above, when public comment is opened, raise your virtual hard and be called upon to speak for up to 3 minutes
- Join the virtual meeting by calling in to the number above, dial *9 to raise your hand and *6 when called upon to speak for up to 3 minutes
- Send public comments in writing to the Minutes Clerk at pcpubliccomment@morganhill.ca.gov

* Please note that comments made on Facebook are not considered 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 JUNE 22, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

2. SD2020-0008/SR2020-0023/UP2021-0001/EA2020-0016: WATSONVILLE - HORDNESS (ROYAL OAKS VILLAGE)- TENTATIVE PARCEL MAP, DESIGN REVIEW PERMIT, CONDITIONAL USE PERMIT AND ENVIRONMENTAL ASSESSMENT FOR A 73-UNIT, MULTI-FAMILY AFFORDABLE RESIDENTIAL COMMUNITY. THE PROPERTY, IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 779-04-075, IS LOCATED SOUTH OF THE INTERSECTION OF MONTEREY AND WATSONVILLE ROADS (A0702 MORGAN HILL L.P., OWNER).

Recommendation:

1. Open/close the public hearing;
2. Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the project; and,
3. Adopt a Resolution approving a two-lot Tentative Parcel Map, Design Permit, and Conditional Use Permit for a green parking exception.

LEGAL BRIEFING

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

CITY OF MORGAN HILL

Meeting Minutes
Planning Commission

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

Tuesday, June 22, 2021 7:00 pm

Virtual Meeting

Minutes Acceptance: Minutes of Jun 22, 2021 7:00 PM (Minutes Approval)

CALL TO ORDER

Chair Habib called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Minutes Clerk Luna called the attendance.

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

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna Declared the Posting of the Agenda at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Planning Commission Mueller led the Pledge of Allegiance at 7:01 p.m.

OPEN PUBLIC COMMENT PERIOD

Chair Habib opened the Public Comment Period at 7:01 p.m. The following individual addressed the Planning Commission:

- Joe Baranowski - Mr. Baranowski also spoke on the behalf of Bryan Espirito, Terry Williams, and Kathy Baranowski

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

ORDERS OF THE DAY

No changes made.

OTHER BUSINESS

1. SELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR

Recommendation:

Select members to serve as Chair and Vice-Chair of the Planning Commission for a one-year term.

MOTION:
Nominate Planning Commissioner Kumar as Chair.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Wayne Tanda, Juan Miguel Munoz-Morris
SECONDER:	Laura Gonzalez-Escoto, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Downey, Munoz-Morris

MOTION:
Nominate Planning Commissioner Gonzalez - Escoto as Vice Chair.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Juan Miguel Munoz-Morris, Planning Commissioner
SECONDER:	Wayne Tanda, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Downey, Munoz-Morris

Planning Commissioner Kumar assumed her new roll and chaired the rest of the meeting.

MINUTES APPROVAL

2. APPROVE THE JUNE 8, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Juan Miguel Munoz-Morris, Planning Commissioner
AYES:	Habib, Kumar, Mueller, Tanda, Gonzalez-Escoto, Downey, Munoz-Morris

Minutes Acceptance: Minutes of Jun 22, 2021 7:00 PM (Minutes Approval)

PUBLIC HEARINGS

3. AAE2021-0001: MONTEREY - T-MOBILE (AMEND UP-05-13): CONDITIONAL USE PERMIT AMENDMENT TO AN EXISTING UNMANNED TELECOMMUNICATION FACILITY TO ALLOW UP TO NINE ANTENNAS, SIX EQUIPMENT CABINETS, AND ASSOCIATED EQUIPMENT. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 726-35-026 IS LOCATED AT AN EXISTING WATER TANK ON THE SOUTHEAST QUADRANT OF MONTEREY ROAD AND MADRONE PARKWAY.

Recommendation:

1. Open/close the public hearing and;
2. Adopt a resolution approving the amendment to Conditional Use Permit (UP-05-13) allowing up to nine antennas, six equipment cabinets, and associated equipment.

Associate Planner, Joey Dinh, presented the Staff Report at 7:16 p.m.

Chair Kumar opened the Public Hearing at 7:31p.m.

- Trish Alexander - Applicant
- Terry Williams

Hearing no further request to speak, the Public Hearing was closed.

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

LEGAL BRIEFING

No legal brief prepared.

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman made an announcement 7:37 p.m.

ADJOURNMENT

There being no further business to discuss, Chair Kumar adjourned the meeting at 7:43 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Jun 22, 2021 7:00 PM (Minutes Approval)

CITY OF MORGAN HILL

PLANNING COMMISSION STAFF REPORT
MEETING DATE: August 24, 2021

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

SD2020-0008/SR2020-0023/UP2021-0001/EA2020-0016: WATSONVILLE - HORDNESS (ROYAL OAKS VILLAGE)- TENTATIVE PARCEL MAP, DESIGN REVIEW PERMIT, CONDITIONAL USE PERMIT AND ENVIRONMENTAL ASSESSMENT FOR A 73-UNIT, MULTI-FAMILY AFFORDABLE RESIDENTIAL COMMUNITY. THE PROPERTY, IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 779-04-075, IS LOCATED SOUTH OF THE INTERSECTION OF MONTEREY AND WATSONVILLE ROADS (A0702 MORGAN HILL L.P., OWNER).

RECOMMENDATION(S)

1. Open/close the public hearing;
2. Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the project; and,
3. Adopt a Resolution approving a two-lot Tentative Parcel Map, Design Permit, and Conditional Use Permit for a green parking exception.

LOCATION MAP

PROJECT SUMMARY

1. Location: 15440 Monterey Road, south of the intersection of Monterey and Watsonville Roads /APN 779-04-075
2. Site Area: 7.54-acres
3. General Plan: Mixed Use Flex
4. Zoning: Mixed Use Flex/Planned Development (MU-F/PD)

BACKGROUND

On October 22, 2020, UHC Morgan Hill LP-A0702 submitted applications for a two-lot Tentative Parcel Map, Design Permit for a 73-unit, multi-family affordable residential community and a Conditional Use Permit for a "Green Parking Exemption" to allow reduced parking lot landscaping when solar panels are provided.

Required Permits

The project site is located in the MU-F Zoning District within Block 13 of the Monterey Road Corridor for which a Block Level Master Plan (BLMP)/PD Master Plan is generally required for all projects wanting to develop within the block. Furthermore, the Municipal Code requires a Conditional Use Permit for a residential-only project within the MU-F zone. California Senate Bill 330 (SB 330) established the "Housing Crisis Act of 2019", effective January 1, 2020, making changes to the local approval process until January 1, 2025. The project, as proposed, is consistent with the General Plan and meets the base zoning standards; therefore, although a BLMP, PD master plan and a Conditional Use Permit for the site are required by the Morgan Hill Zoning Code, SB 330 supersedes these requirements and only a Design Permit is required.

Density Bonus

When a project seeks a density bonus for a housing development in accordance with Government Code 65915, the project is entitled to receive incentives or concessions based on the affordability level of the project – the law provides for a sliding scale with 100 percent affordable projects receiving the most incentives or concessions. Concessions are considered waivers or reductions in development standards, such as height limitation, setback requirements, a floor area ratio (FAR), on-site open space requirements, or a parking ratio. The City Council adopted Resolution No. 21-001 on January 20, 2021 (Attachment 3), approving the following four concessions or incentives for the proposed project:

1. Parking: Parking is being provided at the State level of one space per one-bedroom unit, and two spaces per two- and three-bedroom units. In total, 140 residential parking spaces are provided with four additional spaces for guest parking.

2. Height: The maximum height requirement for development in MU-F sites is 35 feet. The proposed project includes a maximum height of 45 feet.

3. Floor Area Ratio: The maximum FAR for project sites zoned MU-F in the City is 0.5. The current FAR on the net acre site is calculated at 0.68. To achieve a FAR of 0.5, the project would need to combine a reduction of the number of units by 14 and reduce solar paneled carport spaces.

4. Common Open Space: According to the City's Municipal Code, a project must attain a 15 percent common open space requirement. Accordingly, the minimum open space required for a 3.7 net acre site is 24,176 square feet. Open space proposed within the project site would be 23,840 square feet, which is below the required minimum of 24,176 square feet.

On August 4, 2021, the City Council conditionally approved funding for the UHC housing development in the amount of $400,000, contingent on UHC's ability to obtain the remaining gap funds. The County of Santa Clara Board of Supervisors (BOS) will consider a funding recommendation for the project on August 31, 2021. Assuming the project receives the necessary approvals by August 25, 2021, the project will be able to qualify for State Tax Credits. An application for Federal and State Tax Credits is expected to be submitted on September 13, 2021.

PROJECT DESCRIPTION

The proposed project would consist of a 73-unit, multi-family affordable residential community. The six existing on-site structures, as well as two adjacent structures off-site, all of which are associated with the former Royal Oak Mushroom Farm, would be demolished. The 73 units would be distributed throughout three, three-story buildings (Building A, Building B, and Building B2) and would include six one-bedroom units, 38 two-bedroom units, and 29 three-bedroom units for low-income families earning between 30 percent and 60 percent of the Area Median Income (AMI). Out of the 73 units, 36 units would be dedicated to farmworker housing. In addition, one unit would be set aside for the on-site manager and would be located above the clubhouse. The project would include a clubhouse, green spaces, a dog park, and a tot lot. The clubhouse would be approximately 3,611 square feet and would include a lounge room, management office, computer room, central laundry room, and a patio overlooking a proposed play area. Detailed project plans have been provided (Attachment 4).

The project includes a Design Waiver request to address the design standard related to orientation of the proposed buildings. The Morgan Hill General Plan, Policy CNF-11.18, states, "For residential buildings adjacent to a collector or arterial street, the primary entrance of homes (front door) is located along the street unless sound walls are installed (see "Sound Wall" section for requirements)." Building B would have four units that front Watsonville Road.

Complete details regarding the requested project exceptions have been provided (Attachment 5).

Surrounding Zoning/Land Use

Surrounding land uses include single-family residential development to the north and west, across Watsonville Road, vacant land to the immediate south, a private school further to the southeast, and a remaining portion of the former Royal Oak Mushroom farm to the east, which is bound by Monterey Road. The project site is approximately 0.10 mile southwest of West Little Llagas Creek. West Little Llagas Creek flows under Monterey Road, south of the Monterey/Watsonville Road intersection, and then in a northerly direction under Watsonville Road.

ANALYSIS

The proposed project has been analyzed with respect to consistency with the: 1) Design Permit Requirements, 2) Conditional Use Permit, 3) Tentative Parcel Map; and 4) California Environmental Quality Act.

1. Design Permit Requirements

A Design 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.

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 unless the Director finds the project to be significant. 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: 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.

Findings
To approve a Design Permit, the reviewing authority shall make 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 City of Morgan Hill 2035 General Plan designates the site as Mixed-Use Flex which permits a mix of residential, commercial, and office uses applied either vertically or horizontally. The Mixed-Use Flex designation allows 7 to 24 units per acre and a maximum Floor Area Ratio (FAR) of 0.5. The project is developing at 19.7 units per acre, consistent with the General Plan. SB 330 supersedes the Municipal Code requirement of a BLMP/PD Master Plan/Conditional Use Permit required for housing on this site.
The project has been designed to substantially comply with the City's Residential Development Design and Development Standards which are the City's "Objective"

design standards and have been developed consistent with the Morgan Hill 2035 General Plan.

General Plan

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

City and Neighborhood Form Element

Policy CNF-8.1 **High Quality Design.** Require all development to feature high quality design that enhances the visual character of Morgan Hill.

The proposed development includes 360-degree design with high quality building materials. Landscaping is designed to complement the building design, providing additional visual interest.

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 proposed development features an architectural style that is compatible with the surrounding neighborhood.

Policy CNF-10.3 **Adequate Supply of Multi-Family Housing.** Provide for an adequate supply of multi-family housing, located convenient to shopping, services, and transportation routes.

The Mixed-Use Flex land use allows for residential uses to be developed on site which will assist the City in achieving an adequate supply of affordable housing units. The project would consist of a 73-unit, multi-family affordable residential community located within 0.3 miles of shopping and other service-related businesses.

Policy CNF-10.6 **Density Near Infrastructure.** Encourage higher residential densities at locations where convenient access and adequate infrastructure is readily available.

Water and sewer services for the proposed project would be provided by the City through connections to existing infrastructure. More specifically, the proposed project would include new water connections from the proposed buildings to the existing 10-inch waterline in Watsonville Road. Additionally, the proposed project would include new connections to the existing 15-inch sanitary sewer line in Watsonville Road.

Policy CNF-11.16 **360-Degree Design.** Require residential buildings to be well articulated on all sides. Side and rear facades shall maintain the architectural design, level of detail, and materials consistent with the front facade.

The proposed development includes 360-degree design with building materials that include horizontal siding, board and batten siding, corrugated metal siding, fiber cement trim, composition shingle roof and standing seam metal roof. The level of architectural design is maintained on all facades of the development.

Policy CNF-11.17 **Architectural Details.** Require residential buildings to feature architectural details such as eaves, bay windows, porches, and balconies that emphasize their residential and pedestrian-scale character.

The project has been designed to include design features such as balconies, eaves, and varied roof forms.

Policy CNF-11.28 **Bicycles and Pedestrians.** Require attached residential sites to be designed to accommodate the needs of bicyclists and pedestrians. This may be accomplished by:

- Providing bicycle and pedestrian connections to adjacent uses with paseos, trails, sidewalks, paths, and similar amenities.
- Creating attractive connections through landscaping, lighting, benches, other amenities to create safe and visually interesting spaces.
- Installing bicycle racks and lockers near building entrances, integrated into the design of the project and screened with appropriate landscaping.

Short- and long-term bike parking would be provided throughout the project site, with a total of six long-term and six short-term bike spaces per building. An eight-foot-wide buffered bike lane would be installed along the project's Watsonville Road frontage. The Santa Clara Valley Transportation Authority has reviewed the offsite plans and has recommended changes to the proposed striping. The current striping on Watsonville Road as proposed leaves bicycles vulnerable to right-hooks due to the combined through right turn lane. Watsonville Road is heavily used by recreational cyclists. The project has been conditioned to provide safe cyclists movement. The project also proposes installation of an eight-foot-wide meandering pathway along the project's Watsonville Road frontage that would connect to the existing sidewalk at Monterey Road.

Housing Element

Policy HE-1q **Affordable Housing.** Encourage the production and preservation of affordable housing units.

The project is 100 percent affordable, providing 73 multi-family units. This community will serve families and individuals with incomes ranging from a maximum of $34,800 for a household of one to a maximum of $117,750 for a household of four, up to 80% of the

Area Median Income.

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

The project site is located in the MU-F/PD Zone District. Typically to develop multi-family dwellings within this district, a PD Master Plan, BLMP and Conditional Use Permit would be required; however, SB 330 supersedes these requirements.

Zoning consistency is demonstrated in the consistency table provided below:

Development Standard	**MU-F**	**Proposed**
Minimum Lot Size	6,000 Square Feet	3.7 acres
Minimum Lot Dimensions	60- foot width 100- foot depth	652 feet 211 feet
Maximum Building Coverage	50 percent	30 percent
Maximum Building Height	35 feet	45 feet - Concession
Floor Area Ratio	0.5	0.68 - Concession
Setbacks		
Front	15 feet	15 feet
Rear	20 feet	20 feet
Interior Side	5 feet	15 feet
Street Side	10 feet	n/a

Parking

The proposed project would include a total of 140 parking spaces, located in the southern and southwestern portions of the project site, as well as west of the clubhouse. Of the 140 surface parking spaces, 73 would be solar-covered carport parking spots and 65 would be standard parking spots. Eight spaces would be American Disability Act (ADA) compliant. In addition, the proposed project would include 15 parking spots for electric vehicles (EV) and three EV charging stations. Parking is proposed as one space per one-bedroom unit, and two spaces per two- and three-bedroom units as required by State law at the time the application was deemed complete. Note that this is higher than the maximum parking ratio a municipality can require under current state density bonus law for affordable projects.

Landscaping

The project site contains 37 trees, all of which are proposed for removal. Of the 37 trees, 16 are indigenous trees and 21 are non-indigenous trees. Of the 21 non-indigenous trees, 12 are considered Ordinance Sized Trees. All of the 28 Ordinance Sized Trees are located on site. Most of the redwood trees, blue gum compactus, and black walnut trees on-site are severely drought stressed and are recommended to be removed due to poor conditions. The live oak trees, including few black walnut trees and blue gum compactus trees, are in fair condition. For all Ordinance Sized Trees to

be removed, replacement plantings would be required in accordance with Municipal Code Section 12.32.080. If any Ordinance Sized Trees are able to be retained, preservation and/or protection measures would be required. Should additional Ordinance Sized Trees require trimming or removal, the project applicant would be required to comply with Section 12.32.030 of the City's Municipal Code related to replanting.

Although the live oak trees located on the project frontage of Watsonville Road may be suited for preservation, the trees may not have enough vertical clearance to achieve maturity. To preserve the live oak trees, grading and construction of the off-site improvements along Watsonville Road would need to avoid an area around the trees known as the Tree Protection Zone (TPZ). The degree of grading needed to achieve finished grades and excavation/over excavation for sidewalk and curb and gutters along Watsonville Road would encroach into the TPZ and would impact a significant portion of the root systems of the trees. While crown raising would be capable of achieving the necessary vertical clearance, the trees would be expected to lose up to 30 percent of their root systems. As a result, removal of the trees may still be required.

Anticipating removal of all existing trees, a landscape plan has been proposed (Attachment 6) consistent with Section 18.64.050 of the City's Municipal Code. Landscaping would be provided throughout the site in accordance with the City's minimum landscape requirements for residential zones. The proposed project would include the planting of trees, shrubs, grasses, and vines within the project site and the project frontage along Watsonville Road. The proposed landscaping improvements within the site include shrubs surrounding the bioretention basins, shrubs, and trees along the perimeter of the proposed buildings, and trees along the perimeter of the parking lot within designated open spaces. Additionally, the proposed project would include new trees, mulch, cobble with mortar, and shrubs on the median within Monterey Road. Further, trees would be planted along the project frontage on the southern side of the proposed eight-foot-wide bike path. The project is proposing to plant 105 trees for the project, all 24-inch box.

Design Waiver

Separate from the concession approved by the City Council, the applicant has requested a waiver to the following development standard:

<u>Design and Development Standard</u>

Orientation to an existing street: For residential buildings adjacent to a collector or arterial street, the primary entrance of homes (front door) is located along the street unless sound walls are installed (see "Sound Wall" section for requirements). **(GP Policy CNF-11.18)**

Building B would have four units that front Watsonville Road. Providing additional access to the units from Watsonville Road would require multiple staired paths and multiple ramps to account for the elevation increase between the building and the street.

Additional access points would also reduce security on the unit entries and would eliminate bike storage areas. As a result, the applicant requests a Design Waiver to the design standard.

Waivers are automatically allowed if they are necessary to achieve the full density allowed under State Density Bonus Law.

The project is consistent with the Zoning Code and Municipal Code, except for the City Council approved density bonus concessions for parking, FAR, building height and open space and with approval of the design waiver.

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

The project is subject to the SB 330 permit streamlining process and has been designed consistent with the City's Design Review Criteria and the City's Residential Development Design and Development Standards adopted by City Council Resolution No. 21-001 on January 20, 2021, with four concessions. In addition, this project is requesting design waivers, as allowed by density bonus law.

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

An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project. Complete details regarding the CEQA analysis have been provided 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 site is not located adjacent to any wildlands that could expose people or structures to wildfire risks. The project site is not located within an earthquake fault zone. In addition, the project will comply with stormwater and building code requirements. The project will not be detrimental to the public health, safety, or welfare, 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.

1. **Community Character.** The overall project design including site plan, height, massing, architectural style, materials, and landscaping preserve the character and distinctive sense of place for Morgan Hill. The proposed development includes 360-degree design with building materials that include horizontal siding,

board and batten siding, corrugated metal siding, fiber cement trim, composition shingle roof and standing seam metal roof. The level of architectural design is maintained on all facades of the development.

Perspective- Aerial View along Watsonville Road

2. **Neighborhood Compatibility.** The project has been designed to respect and complement the adjacent residential neighborhood. The project height, massing, and intensity is compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.

3. **Pedestrian Environment.** The proposed development incorporates sidewalks, connections to the public way and trail system to support an active public real and an inviting pedestrian environment. Pedestrian walkways are clearly visible and distinguished from parking and circulation areas.

4. **Privacy.** The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimizes privacy impacts on adjacent buildings and provides adequate privacy for project occupants.

5. **Safety.** The project has prepared a complete Safety and Security Plan (Attachment 7). The project promotes public safety and minimizes opportunities for crime through design features which includes one driveway access point on Watsonville Road and an internal driveway that connects to the adjacent parcel. Entry doors to units are within stairwells and have 4 entries per stairwell, per level. Each stairwell provides access to a total of 12 units. All parking and common areas will be lit to city standards. Security cameras will be situated to view parking and common areas.

6. **Massing and Scale**. The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes,

heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.

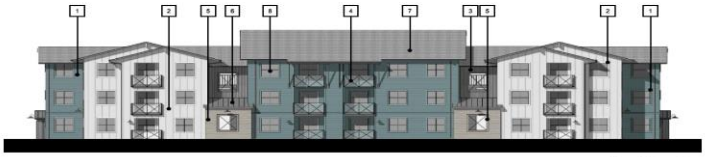
Perspective- View from Watsonville Road of Clubhouse

7. **Architectural Style**. Buildings feature an architectural style that is compatible with the surrounding built and natural environment

8. **Architectural and Visual Interest.** Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details that have been included into the design include trim, eaves, balconies, metal railing, horizontal siding, board and batten siding, and standing seam metal roof.

9. **Materials.** Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.

Material Board



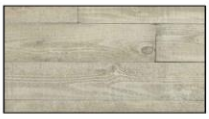
Key Elevation

1. Horizontal Siding (Trims Match Body Color):
James Hardie Lap Siding or Similar
Color: SW 0019 Festoon Aqua or Similar

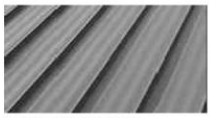
2. Board and Batten Siding(Trims Match Body Color):
James Hardie Vertical Siding Arctic White or Similar

3. Corrugated Metal Siding
(Trims Match Body Color):
Centria Econolap 36"

4. Metal Railing:
Color: SW 7069 Iron Ore
or similar



5. Veneer (Trims Match Body Color):
Creative Mines
Style: Craft Board Form
Color: Monsoon



6. Standing Seam Metal Roof:
Centria SDP 200

7. Roofing : Certainteed
Style: Landmark Solaris
Color: Birchwood or similar

8 Trim: AMSCO
Style: Studio Series Vinyl
Color: White or Almond

Site Lighting Wall/Post Lamp (Black Color) :
DSAP25 or Similar

10. **Parking and Access**. Parking areas are located within the center of the project and designed to minimize visual impacts from Watsonville Road. Safe and convenient connections are provided for pedestrians and bicyclist throughout the development.

11. **Landscaping.** The proposed landscape planting provides new trees, screen planting, seat wall planters, entry planters and shrubs that will enhance the surrounding area and are appropriate to the site.

12. **Open Space and Public Places.** The project would include a total of approximately 23,856 square feet of common open space, consisting of nine parkways, two play lawns, a dog park, and a tot-lot. In addition, the proposed project would include benches, seat wall planters, and entry planters near the open space elements.

13. **Signs.** A separate sign application will be required for any project identification signage.

14. **Lighting.** A detailed photometric plan has been provided (Attachment 8). Exterior building areas, common open space, parking spaces and carports will comply with City lighting requirements. The proposed exterior lighting is designed and located to minimize illumination of the sky and adjacent properties.

15. **Accessory Structures**. The project includes trash enclosures with exterior building materials that include CMU block, a standing seam metal roof and metal gate.

16. **Mechanical Equipment, Trash Receptacles, and Utilities**. The proposed development provides enclosures for trash receptacles and utilities are screened by landscaping.

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

The RDCS has been suspended with Government Code Section 65589.5 (Housing Crisis Act of 2019); therefore, this finding is not applicable.

2. **Conditional Use Permit**

Section 18.72.070.H of the Morgan Hill Municipal allows for reduced parking lot landscaping requirements when solar panels are provided through a "Green Parking Exemption" with the approval of a Conditional Use Permit. The proposed project would increase the site's landscaping footprint through the addition of onsite trees. However, the placement of trees may have a direct negative impact on solar generation due to shading on the 73 parking spaces covered by solar roof carports. Because the parking lot would incorporate solar panels and bioswales, the project is eligible for reduced parking lot landscaping requirements with the approval of a Conditional Use Permit.

Findings

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

The project site is located in the MU-F/PD Zone District. Typically to develop multi-family dwellings within this district, a PD Master Plan, BLMP and Conditional Use Permit would be required; however, SB 330 supersedes these requirements. The multi-family development, with carports that incorporate solar panels is an allowed use. Pursuant to Section 18.72.070.H (Green Parking Exemptions) of the Morgan Hill Municipal Code, reduced parking lot landscaping is permitted with a Conditional Use Permit when solar panels are provided.

b. **The proposed use is consistent with the general plan, zoning code, and any applicable specific plan or area plan adopted by the city council.**

The City of Morgan Hill 2035 General Plan designates the site as Mixed-Use Flex which permits a mix of residential, commercial, and office uses applied either vertically or horizontally. The project has been designed to substantially comply with the City's Residential Development Design and Development Standards which are the City's "Objective" design standards and have been developed consistent with the Morgan Hill 2035 General Plan.

The project is subject to the California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11). The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced

negative impact or positive environmental impact and encouraging sustainable construction practices. The CALGreen Code requires some single-family and low-rise residential development developed after January 1, 2020, to include solar energy systems capable of producing 100 percent of the electricity demand created by the residence(s). The project is implementing CALGreen requirements with the installation of solar panels. Landscaping will be provided throughout the site; however, the required shade trees will be reduced directly adjacent to the carports where it would negatively impact solar generation, requiring the "Green Parking Exemption" through the issuance of a Conditional Use Permit.

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

The multi-family development, with carports that incorporates solar panels is an allowed use. New landscaping will include trees, screen planting, seat wall planters, entry planters and shrubs that will enhance the surrounding area and are appropriate to the site.

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

The carports with solar panels are for the use of the multi-family development. The "Green Parking Exemption" would allow a reduced shade tree requirement adjacent to the carports where they would negatively impact solar generation. The granting of a "Green Parking Exemption" through the issuance of a Conditional Use Permit would not impact existing or future land uses in the vicinity.

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

The "Green Parking Exemption" which would allow a reduced shade tree requirement directly adjacent to the carports would not adversely affect the public health, safety, and welfare of persons residing within the development. The project development will be providing ample landscaping, including trees throughout the site.

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

The Conditional Use Permit for the "Green Parking Exemption" will not impact traffic circulation or the capacity of the street system, as the request would reduce the number of shade trees located adjacent to the carports only.

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

The property is located within City limits and the City's Urban Service Area. Water and sewer are adequately provided by the City, while electricity will be provided by PG&E.

3. Tentative Parcel Map

The project proposes a two lot Tentative Parcel Map (Attachment 9) creating Parcel No. 1 (3.7 acres) and Parcel No. 2 (3.45 acres). The multi-family development project would be located on Parcel No. 1. The proposed Tentative Parcel Map is in compliance with the General Plan, Zoning Code and other City Codes. Detailed offsite and onsite civil plans have been provided (Attachment 10).

Findings
Morgan Hill Municipal Code Section 17.24.070, Tentative Parcel Map – Approval or Denial, requires that the following finding to be made by the City to adopt the Tentative Parcel Map:

A. **The Tentative Parcel Map, together with its provisions for its design and improvements, is consistent with the General Plan or specific plans adopted by the City.**

The Tentative Parcel Map has been designed consistent with the City's General Plan, considering neighborhood circulation patterns, and providing future connections.

Alternatively, the Tentative Parcel Map may be denied if any of the findings contained in Section 17.20.100 of the Municipal Code applies. The Planning Commission shall deny approval of the Tentative Parcel Map if it makes any of the following findings:

- That the proposed map is not consistent with applicable general and specific plans
- That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans
- That the site is not physically suitable for the type of development
- That the site is not physically suitable for the proposed density of development
- That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat
- That the design of the subdivision or the type of improvements is likely to cause serious public health problems
- That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision

4. California Environmental Quality Act (CEQA)

An Initial Study (IS) (Attachment 11) has been prepared which examines impacts from the proposed project in accordance with the requirements of the CEQA. The IS discusses the proposed project in detail, evaluates all potential impacts, and proposes mitigation measures to reduce project impacts to less-than-significant levels.

Based on evaluation of the potential impacts of the project, staff recommends adoption of the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) (Attachments 12 and 13). The MND and MMRP contain the applicable mitigation measures to reduce all potential impacts to less than significant levels.

A Notice of Intent to adopt the MND was recorded at the County Recorder's Office and circulated through the Governor's Office of Planning and Research State Clearinghouse with a minimum 30-day noticing required by the CEQA guidelines (July 16, 2021, through August 16, 2021).

CONCLUSION

The project has been found to be consistent with the General Plan, Zoning Code, City's Design Review Criteria, the City's Residential Development Design and Development Standards, and the Subdivision Map Act. It is recommended that the Planning Commission approve the Tentative Parcel Map, Design Permit and Conditional Use Permit subject to the Conditions of Approval.

COMMUNITY ENGAGEMENT

The proposed project was publicly noticed including a mailing to property owners within 600 feet of the project and within the newspaper for the minimum 10-day period, a project webpage and a sign was posted on the project site pursuant to the Planning Division requirements. Residents on the Planning Commission notify me email list were notified of the proposed project upon release of the environmental document and the project was included in the 411 Newsletter.

LINKS/ATTACHMENTS:

1. PC Resolution - MND and MMRP
2. PC Resolution Project Decision
3. CC Resolution No. 21-001 Affordable Housing Density Bonus Concessions-Watsonville-Hordness
4. Project Plans
5. Exception Letter
6. Landscape Plans (Weblink)
7. Safety and Security
8. Photometric Plan
9. Tentative Parcel Map
10. Offsite and onsite Civil Plans (Weblink)
11. Initial Study (Weblink)
12. Royal Oak Village MND
13. Royal Oak Village MMRP
14. Staff Presentation
15. 02-Supplement 1- Royal Oak Village_Responses to Comments

RESOLUTION NO. 21-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING THE MITIGATED NEGATIVE DECLARATION PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR WATSONVILLE-HORDNESS (ROYAL OAKS VILLAGE) (APN 779-04-075).

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 Watsonville-Hordness Project (Planning File No's. SD2020-0008, SR2020-0023, UP2021-0001 and EA2020-0016) 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 Watsonville-Hordness Project ("Project") analyzed within the Initial Study/Mitigated Negative Declaration consisted of the request to subdivide the property into two lots, a Design Permit and Conditional Use Permit for a "Green Parking Exception" for property located south of the intersection of Monterey and Watsonville Roads (APN:779-04-075); 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

Attachment: PC Resolution - MND and MMRP [Revision 3] (3145 : Watsonville-Hordness (Royal Oaks Village))

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, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE 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;

(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; and,

(4) On the basis of the whole record before it (including the Initial Study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment with the application of mitigation measures.

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) available for inspection by any interested person on-line at: **http://www.morgan-hill.ca.gov/2178/Watsonville-Hordness-Royal-Oaks-Village** rather than in person.

PASSED AND ADOPTED THIS 24th DAY OF AUGUST 2021, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

Attachment: PC Resolution - MND and MMRP [Revision 3] (3145 : Watsonville-Hordness (Royal Oaks Village))

AYES: **COMMISSIONERS:**

NOES: **COMMISSIONERS:**

ABSTAIN: **COMMISSIONERS:**

ABSENT: **COMMISSIONERS:**

ATTEST:

JENNA LUNA, Deputy City Clerk

APPROVED:

MALISHA KUMAR, Chair

Date: _____

Attachment: PC Resolution - MND and MMRP [Revision 3] (3145 : Watsonville-Hordness (Royal Oaks Village))

RESOLUTION NO. 21-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A TWO LOT TENTATIVE PARCEL MAP ON A 7.54-ACRE SITE, A DESIGN PERMIT FOR A 73-UNIT, MULTI-FAMILY AFFORDABLE RESIDENTIAL COMMUNITY AND A CONDITIONAL USE PERMIT TO ALLOW A "GREEN PARKING EXEMPTION" FOR PROPERTY LOCATED SOUTH OF THE INTERSECTION OF MONTEREY AND WATSONVILLE ROADS FOR WATSONVILLE-HORDNESS (ROYAL OAKS VILLAGE) (APN 779-04-075)

WHEREAS, on October 22, 2020, UHC Morgan Hill LP-A0702 submitted applications for a two-lot Tentative Parcel Map, Design Permit for a 73-unit, multi-family affordable residential community and a Conditional Use Permit for a "Green Parking Exemption" to allow reduced parking lot landscaping when solar panels are provided. (SD2020-0008/SR2020-0023/UP2021-0001: Watsonville-Hordness (Royal Oaks Village)); and

WHEREAS, such requests were considered by the Planning Commission at its meeting of August 24, 2021; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) the City completed an Initial Study to determine whether the project could have a significant effect on the environment. The Planning Commission of the City of Morgan Hill found that there will not be a significant effect in this case because mitigation measures are included in the project and therefore a Mitigated Negative Declaration was approved and Mitigation Monitoring Plan adopted prior to action taken to adopt the Resolution approving the project; and

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

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. Recitals.
The Planning Commission has considered the full record before it, which may include but not limited to such things as the staff report, public testimony, and other materials and evidence submitted or provided. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Attachment: PC Resolution Project Decision [Revision 6] (3145 : Watsonville-Hordness (Royal Oaks Village))

SECTION 2. California Environmental Quality Act Finding

Finding: 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.

The Planning Division of the City of Morgan Hill prepared an Initial Study and a Mitigated Negative Declaration for the Watsonville-Hordness Project (Planning File No's. SD2020-0008, SR2020-0023, UP2021-0001 and EA2020-0016) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended ("CEQA"), and state and local guidelines implementing CEQA; and

SECTION 3. **Parcel Map Finding** (MHMC Section 17.24.070)

Finding: The Tentative Parcel Map, together with its provisions for its design and improvements, is consistent with the General Plan or specific plans adopted by the City.

The Tentative Parcel Map entitled "Royal Oak Village Tentative Parcel Map" submitted by MH Engineering Co. January 2021, attached as Exhibit A has been designed consistent with the City's General Plan, considering neighborhood circulation patterns, and providing future connections.

SECTION 4. Design Permit Findings (MHMC Section 18.101.040.J)

Finding: The project is consistent with the Zoning Ordinance, and General Plan.

The project site is located in the MU-F Zoning District within Block 13 of the Monterey Road Corridor for which a Block Level Master Plan (BLMP) is generally required for all projects wanting to develop within the block. Furthermore, a Conditional Use Permit is required for a residential-only project within the MU-F zone. California Senate Bill 330 (SB 330) established the "Housing Crisis Act of 2019", effective January 1, 2020, making changes to the local approval process until January 1, 2025. The project, as proposed, is consistent with the General Plan and meets the base zoning standards; therefore, although a BLMP, PD master plan and a Conditional Use Permit for the site are required by the Morgan Hill Zoning Code, SB 330 supersedes these requirements.

Finding: The project is subject to the SB 330 permit streamlining process and has been designed consistent with the City's Design Review Criteria and the City's Residential Development Design and Development Standards adopted by City Council Resolution No. 21-001 on January 20, 2021, with four concessions.

The proposed project substantially complies with all applicable design standards and guidelines contained in the Design Review Handbook and the City's adopted Residential Development Design and Development Standards. The project has been granted

Attachment: PC Resolution Project Decision [Revision 6] (3145 : Watsonville-Hordness (Royal Oaks Village))

density bonus design concessions by the City Council. In addition, the project is entitled to design waivers, as allowed by density bonus law.

Finding: 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 site is not located adjacent to any wildlands that could expose people or structures to wildfire risks. The project site is not located within an earthquake fault zone. In addition, the project will comply with stormwater and building code requirements. The project will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to the properties or improvements in the vicinity.

Finding: 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 as demonstrated in the staff report.

SECTION 5. Conditional Use Permit Findings (MHMC Section 18.108.030.E)

Finding: The proposed use is allowed in the applicable district.

The project site is located in the MU-F/PD Zone District. Typically to develop multi-family dwellings within this district, a PD Master Plan, BLMP and Conditional Use Permit would be required; however, SB 330 supersedes these requirements. The multi-family development, with carports that incorporates solar panels is an allowed use. Pursuant to Section 18.72.070.H (Green Parking Exemptions) of the Morgan Hill Municipal Code, reduced parking lot landscaping is permitted with a Conditional Use Permit when solar panels are provided.

Finding: The proposed use is consistent with the general plan, zoning code, and any applicable specific plan or area plan adopted by the city council.

The City of Morgan Hill 2035 General Plan designates the site as Mixed-Use Flex which permits a mix of residential, commercial, and office uses applied either vertically or horizontally. The project has been designed to substantially comply with the City's Residential Development Design and Development Standards which are the City's "Objective" design standards, and have been developed consistent with the Morgan Hill 2035 General Plan.

The project is subject to the California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11). The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative

Attachment: PC Resolution Project Decision [Revision 6] (3145 : Watsonville-Hordness (Royal Oaks Village))

impact or positive environmental impact and encouraging sustainable construction practices. The CALGreen Code requires some single-family and low-rise residential development developed after January 1, 2020, to include solar energy systems capable of producing 100 percent of the electricity demand created by the residence(s). The project is implementing CALGreen requirements with the installation of solar panels. Landscaping will be provided throughout the site; however, the required shade trees will be reduced directly adjacent to the carports where it would negatively impact solar generation, requiring the "Green Parking Exemption" through the issuance of a Conditional Use Permit.

Finding: The site is suitable and adequate for the proposed use.

The multi-family development, with carports that incorporates solar panels is an allowed use. New landscaping will include trees, screen planting, seat wall planters, entry planters and shrubs that will enhance the surrounding area and are appropriate to the site.

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

The carports with solar panels are for the use of the multi-family development. The "Green Parking Exemption" would allow a reduced shade tree requirement adjacent to the carports where they would negatively impact solar generation. The granting of a "Green Parking Exemption" through the issuance of a Conditional Use Permit would not impact existing or future land uses in the vicinity.

Finding: The proposed use will not be detrimental to the public health, safety, and welfare.

The "Green Parking Exemption" which would allow a reduced shade tree requirement directly adjacent to the carports would not adversely affect the public health, safety, and welfare of persons residing within the development. The project development will be providing ample landscaping, including trees throughout the site.

Finding: The proposed use would not have a substantial adverse effect in traffic circulation and on the planned capacity of the street system.

The Conditional Use Permit for the "Green Parking Exemption" will not impact traffic circulation or the capacity of the street system, as the request would reduce the number of shade trees located adjacent to the carports only.

Finding: The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

The property is located within City limits and the City's Urban Service Area. Water and

Attachment: PC Resolution Project Decision [Revision 6] (3145 : Watsonville-Hordness (Royal Oaks Village))

sewer are adequately provided by the City, while electricity will be provided by PG&E.

SECTION 6. The Planning Commission approves SD2020-0008/SR2020-0023/UP2021-0001: Watsonville-Hordness (Royal Oaks Village). The design shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit "B". Minor deviations to the site review permit may be approved by the Development Services Director when consistent with the overall intent of the project.

SECTION 7. 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 24th DAY OF AUGUST 2021, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST: **APPROVED:**

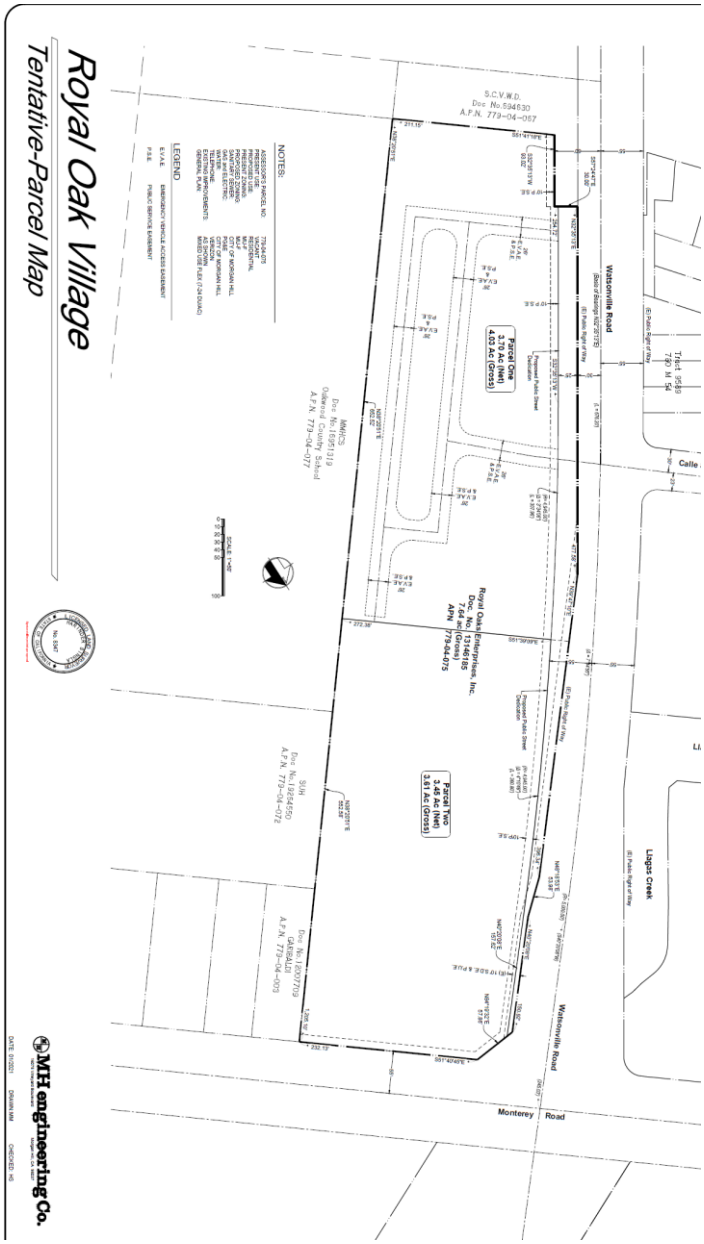
_____ _____

JENNA LUNA, Deputy City Clerk **MALISHA KUMAR, Chair**
Date: _____

Attachment: PC Resolution Project Decision [Revision 6] (3145 : Watsonville-Hordness (Royal Oaks Village))

EXHIBIT "A"

TENTATIVE PARCEL MAP



Attachment: PC Resolution Project Decision [Revision 6] (3145 : Watsonville-Hordness (Royal Oaks Village))

EXHIBIT "B" STANDARD CONDITIONS

APPLICATION NO: SD2020-0008/SR2020-0023/UP2021-0001/EA2020-0016: Watsonville - Hordness (Royal Oaks Village)

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 proposed project would consist of a 73-unit, multi-family affordable residential community. The six existing on-site structures, as well as two adjacent structures off-site, all of which are associated with the former Royal Oak Mushroom Farm, would be demolished. The 73 units would be distributed throughout three, three-story buildings (Building A, Building B, and Building B2) and would include six one-bedroom units, 38 two-bedroom units, and 29 three-bedroom units for low-income families. Out of the 73 units, 36 units would be dedicated to farmworker housing. In addition, one unit would be set aside for the on-site manager and would be located above the clubhouse. The project would include a clubhouse, green spaces, a dog park, and a tot lot. The clubhouse would be approximately 3,611 square feet and would include a lounge room, management office, computer room, central laundry room, and a patio overlooking a proposed play area.

Concessions/Design Waiver

1. Parking: Parking is being provided at the level of one space per one-bedroom unit, and two spaces per two- and three-bedroom units as required by State law at the time the application was deemed complete upon request of the developer. In total, 140 residential parking spaces are provided with four additional spaces for guest parking.

2. Height: The maximum height requirement for development in MU-F sites is 35 feet. The proposed project includes a maximum height of 45 feet.

3. Floor Area Ratio: The maximum FAR for project sites zoned MU-F in the City is 0.5. The current FAR on the net acre site is calculated at 0.68. An exception to

Attachment: PC Resolution Project Decision [Revision 6] (3145 : Watsonville-Hordness (Royal Oaks Village))

the maximum FAR was granted.

4. Common Open Space: According to the City's Municipal Code, a project must attain a 15 percent common open space requirement. Accordingly, the minimum open space required for a 3.7 net acre site is 24,176 square feet. Open space proposed within the project site would be 23,840 square feet, which is below the required minimum of 24,176 square feet. An exception to the Common Open Space requirements was approved.

5. A Design Waiver to the City's Design and Development Standard addressing the requirement for "Orientation to an existing street" has been approved. Building B would have four units that front Watsonville Road.

The project includes a Conditional Use Permit for a "Green Parking Exemption" as permitted in accordance with Section 18.72.070.H. of the Morgan Hill Municipal Code, which allows reduced parking lot landscaping requirements when solar panels are provided.

A two lot Tentative Parcel Map would create Parcel No. 1 (3.7 acres) and Parcel No. 2 (3.45 acres). The multi-family development project would be located on Parcel No. 1.

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

A. Tentative Parcel Map SD2020-0008
B. Design Review SR2020-0023
C. Conditional Use Permit UP2021-0001
D. Environmental Assessment EA2020-0016

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.

Biological Resources

A. **MM- IV-1.** To the maximum extent practicable, the removal of trees and shrubs and demolition of buildings shall occur during the non-breeding season (September 1 through January 31). If tree removal or building demolition cannot be avoided during the breeding season (February 1 through August 31), pre-construction surveys shall be conducted by a qualified biologist during the breeding season for tree-nesting raptors and other migratory birds less than 14 days prior to the onset of such construction-related disturbances. The pre-construction survey shall include all trees, large shrubs, buildings, or other areas

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of potential nesting habitat within the project footprint and, where possible, within 250 feet of the footprint. If active nests are deemed absent from the area, then further mitigation measures are not required, and ground disturbance or construction could occur within 14 days following the survey. Pre-construction surveys and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of grading permit or issuance of building permit.

B. **MM- IV-2**. If nesting raptors or other migratory birds are detected on the site during the survey, a suitable disturbance-free buffer of up to 500 feet shall be established around all active nests. The precise dimension of the buffer would be determined at that time and may vary depending on factors such as location, species, topography, and line of sight to the construction area. The buffer area(s) shall be enclosed with temporary fencing, and equipment and workers shall not enter the enclosed buffer areas. Typical buffers range between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. Buffers shall remain in place for the duration of ground disturbing activities, the breeding season, or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents, whichever occurs first.

C. **MM- IV-3**. Pre-construction surveys are required to ascertain whether burrowing owls occupy burrows on or adjacent to the site. A minimum of two surveys are required, with the first survey to occur up to 14 days prior to initial construction activities (e.g., vegetation removal, grading, or excavation) and the second survey to occur within two days prior to initial construction activities. If burrowing owls or evidence of burrowing owls are not observed during pre-construction surveys, construction may proceed. If burrowing owls or their recent sign are observed during the surveys, occupied burrows shall be identified by the monitoring biologist and appropriate construction-free buffers, as described below, shall be established:

- A 250-foot non-disturbance buffer shall be established around all active burrowing owl burrows or nest sites, as identified and defined by a qualified biologist. If the biologist determines that a nest is vacant, the non-disturbance buffer zone around that nest may be removed. The SCVHP specifies that a vacation from the site for a week or more by a burrowing

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owl, as determined by a qualified biologist, would constitute a voluntary relocation by the owl, and the qualified biologist could then take measures to collapse suitable burrows of the site to discourage reoccupation. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies (SCVHP, Chapter 6, Condition 15). For permission to encroach within 250 feet of such burrows during the nesting season (February 1 through August 31), an Avoidance, Minimization, and Monitoring Plan shall be prepared and approved by the City of Morgan Hill Development Services Department and Wildlife Agencies prior to such encroachment.

- Should a burrowing owl be overwintering or nesting on-site in the non-breeding season (September 1 through January 31), construction activities shall not be allowed within the 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to:
  - 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 owl during construction and does not find a change in owl foraging behavior in response to construction activities;
  - If a change in owl nesting and foraging behavior occur because of construction activities, the construction activities shall cease within the 250-foot buffer; and
  - If the owls are gone for at least one week, the project proponent may request approval from the City of Morgan Hill Development Services Department 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.

D. **MM-IV-4**. The SCVHP prohibits the passive relocation or exclusion of burrowing owls until a positive regional growth trend is achieved, as defined in Section 5.4.6 of the SCVHP; however, a project may qualify for an exception to this prohibition. Permission to engage in passive relocation during the non-breeding season shall be requested through the standard application process (Section 6.8 of the SCVHP). Application for an exception would require additional information, including a relocation plan and documentation by a qualified biologist that owls have occupied the site for the full year without vacating the site for 10 or more consecutive days. The application would need to be submitted to the City of Morgan Hill Development Services Department, and the Wildlife Agencies would then evaluate the application and decide if an exception should be granted.

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If passive relocation is approved, additional measures may be required by the City of Morgan Hill Development Services Department.

E. **MM-IV-5**. A habitat assessment shall be conducted prior to demolition by a qualified biologist to identify buildings on-site that could be suitable for roosting bats. If the habitat assessment does not find suitable roosting habitat, further mitigation is not required. If the habitat assessment finds that suitable roosting habitat is present, a bat survey shall be conducted by a qualified bat biologist within 30 days of building demolition to determine if bats are roosting or breeding in the buildings. Additionally, an emergency survey may be required for areas that cannot be surveyed directly. The surveys shall be conducted during times of the year when bats are active (March 1 through August 15). The habitat assessment, surveys, and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of a demolition permit.

F. **MM-IV-6**. If a maternity colony is found on the site, then a construction-free buffer up to 100 feet shall be established around the colony by a qualified biologist. The size of the buffer shall be determined by the biologist depending on factors such as the type of construction-related activity to occur and its proximity to the maternity colony. The buffer shall remain in place until the biologist determines that the nursery is not active.

G. **MM-IV-7**. If a bat colony is found on the site during the overwintering season (i.e., October 15 through March 1), demolition shall be delayed until after March 1 or until a qualified biologist determines that bats are absent.

H. **MM-IV-8**. If a non-breeding bat colony is found in buildings to be demolished, the individuals shall be humanely evicted by way of a two-step, partial dismantlement of the buildings prior to demolition. The eviction shall be conducted under the direction and supervision of a qualified biologist to ensure that harm or take would not occur to any bats as a result of demolition activities.

I. **MM-IV-9.** The removal of Ordinance Sized Trees shall be avoided and preserved to the maximum extent feasible, as determined by the City of Morgan Hill Development Services Director. If Ordinance Sized Trees cannot be avoided during construction, the project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, by providing an on-site replacement planting program at a minimum 1:1 ratio with 24-inch box sized trees. The City shall condition the project to replace the oaks at a 2:1 ratio. Replacement shall be overseen and verified by a qualified arborist and the City of Morgan Hill. The detailed replacement program shall be submitted to the City of Morgan Hill Development Services Director for approval prior to issuance of a grading permit.

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J. **MM-IV-10**. For the Ordinance Sized Trees to be preserved as part of the project, the project applicant shall include a Tree Preservation Plan, which shall be noted on Improvement Plans, subject to review and approval by the City of Morgan Hill Development Services Department prior to issuance of a grading permit. The measures identified within the Tree Preservation and Protection Plan shall remain in place for the duration of construction activities. Following Tree Preservation Measure may include:

- 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 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. Avoid tearing, or otherwise disturbing that portion of the root(s) to remain.
- Construct a temporary fence as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. Post no parking or storage signs outside/on fencing. Do not attach posting to the main stem of the tree.
- Do not allow vehicles, equipment, pedestrian traffic; building materials or debris storage; or disposal of toxic or other materials inside of the fenced off area.
- 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.
- Mulch rooting area with an acidic, organic compost or mulch.
- Arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as they occur, or as appropriate.
- Individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within these general guidelines.

Geology and Soils

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K. **MM-VII-1**. All grading and foundation plans for the development shall be designed by a civil and structural engineer and reviewed and approved by the City Engineer, Chief Building Official, and a qualified geotechnical engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the geotechnical report prepared for the proposed project by Geo-Logic Associates are properly incorporated and used in the project design.

Hazards and Hazardous Materials

L. **MM-IX-1**. Prior to issuance of a demolition permit for any structure at the site, the project applicant shall provide the City of Morgan Hill Development Services Department a detailed assessment pertaining to the potential presence of lead-based paint-containing materials in existing all structures that may be scheduled for demolition. If structures do not contain lead-based paint, further mitigation is not required; however, if lead-based paint is found, Mitigation Measure IX-2 shall be implemented.

M. **MM-IX-2**. Prior to issuance of a demolition permit by the City for the existing structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Building Official. Proof of removal shall be submitted to the City of Morgan Hill Development Services Department prior to issuance of a demolition permit.

N. **MM-IX-3**. Following demolition and prior to issuance of a grading permit, a sampling grid shall be superimposed and discrete shallow samples shall be collected at points currently under building foundations. The samples shall be tested for chlordane and/or DDT isomers to determine whether Regional Water Quality Control Board Environmental Screening Levels (ESLs) are exceeded in any samples. The applicant shall submit a report to the Development Services Department for review and approval that includes, but is not limited to, sampling activities performed, relevant ESLs for identified contaminants, summary of contaminated concentrations, and locations where ESLs are exceeded, if any. If ESLs are exceeded in on-site soils, the impacted areas shall be removed and properly disposed of under oversight by the Santa Clara County Department of Environmental Health (SCCDEH) prior to issuance of a grading permit; and proof of remediation under SCCDEH oversight shall be provided to the City of Morgan Hill Development Services Department prior to grading. For larger quantities of soils that are non-hazardous, subject to approval by the Morgan Hill Development

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Services Department, such soils may generally be placed under interior roads, parking areas, or buildings during normal grading operations, and verification of proper handling and disposal.

Noise

O. **MM-XIII-1**. Noise-generating construction activities associated with the proposed project and intersection improvements 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 issuance of a grading permit by the City of Morgan Hill Development Services Department.

P. **MM-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 prior to issuance of a grading permit.

Transportation

Q. **MM-XVII-1**. Prior to issuance of grading permit, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City of Morgan Hill. The plan shall include the following:

- A project staging plan to maximize on-site storage of materials and equipment;

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- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes;
- Provisions for maintaining adequate emergency access to the project site;
- Permitted construction hours;
- Designated locations for construction staging areas;
- Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and
- Provisions for street sweeping to remove construction-related debris on public streets.

III. PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set date stamped January 4, 2021 on file (File Number SR2020-0023) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the Design Permit plans as determined by the Development Services Director. These documents show the location and dimensions of all 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

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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 Permit and Conditional Use Permit approval granted pursuant to this Resolution shall remain in effect for two years to August 24, 2023. 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)**

B. **Term:** The Tentative Parcel Map approval granted pursuant to this Approval Certificate shall remain in effect for two years to August 24, 2023. 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 prior to the expiration date. **(MHMC 18.104.210)**

SITE DEVELOPMENT

A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with the KTGY Architecture and Planning plans dated January 4, 2021 (SR2020-0023) 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

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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.

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

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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. **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).

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F. **Tree Protection:** Unless tree removal has been previously approved, all trees located within 25 feet of any site disturbance shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):

1. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.

2. Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.

3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the "dripline" area of the tree.

4. Avoid root damage through grading, trenching, and compaction, at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1 inch in diameter should be exposed approximately 12 inches beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.

5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.

6. All trees proposed to be removed from the project site shall be replaced at a 1:1 ratio. Replacement trees shall be consistent with the City of Morgan Hill Master Street Tree. All replacement trees shall be a minimum of 15-gallons in size. All mitigation/replacement trees shall be shown on the landscape plans and approved by the Development Services Director prior to the issuance of the building/grading permit.

7. Any tree subject to Chapter 12.32 Restrictions on Removal of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.

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

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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 facia 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:** A final site development plan shall be provided at the building permit stage for review and approval to the Development Services Director prior to issuance of a building permit.

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.

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
16-30	10 percent
31-60	15 percent
Over 60	20 Percent

2. **Shade Trees**.

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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**. 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**. The project has incorporated solar panels, bioswales, and other similar green features not otherwise required by post construction stormwater requirements and is eligible for reduced parking lot landscaping requirements, and a Conditional Use Permit has been granted to allow a reduction in parking lot landscaping requirements as detailed in the project landscape plans prepared by Michael Arnone + Associates Landscape Architecture and dated January 18, 2021.

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

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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)**

1. A final photometric plan shall be provided at the building permit stage for review and approval to the Development Services Director prior to issuance of a building permit.

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 Landscape Ordinance:** The landscape plans shall be in conformance with the City's Water Conserving Landscape Ordinance that was developed in accordance with California law. This Ordinance restricts landscaping turf to certain areas, specifies plant selection, requires certain types of irrigation equipment, and calls for the development of comprehensive water use calculations as an aspect of the submitted landscape plans. **(MHMC 18.64)**

F. **Reciprocal Ingress/Egress Easements:** Prior to issuance of a certificate of occupancy, the property owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval of the Development Services Director for a reciprocal ingress/egress easement along the common driveway.

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

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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. **Basic Construction Mitigation Measures (BCMMs) related to dust suppression.** The following measures shall be implemented with the project:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

CULTURAL RESOURCES

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A. **Significant historic or archaeological materials:** A moderate potential exists for unrecorded historic-period archaeological resources to be within the project area. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply:

1. An archaeologist shall be present on-site to monitor all ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:

   a. Work at the location of the find will halt immediately within thirty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;

   b. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;

   c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and

   d. If the resource cannot be avoided, the archaeologist shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2.

2. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,

   a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.

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b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.

c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.

3. 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, ground stone 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 exclusion zone as defined below.

4. 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 or discovery, by the monitoring archaeologist (typically twenty-five to fifty feet for single burial or archaeological find).

5. 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.

6. 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-

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7. 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.

8. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)

9. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.

10. 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 appropriate tribe may be considered and carried out.

11. 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.

NOISE

A. **Construction Hours:** The project shall comply with Chapter 8.28 of the Morgan Hill Municipal Code which prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays.

B. **Noise Barriers:** Prior to approval of project improvement plans, the plans shall show four-foot high barriers at the patios and balconies/decks of the units along Watsonville Road. The barriers must be constructed of a non-gapping material (i.e., masonry, stucco, ¼-inch thick glass, or plexiglass, or a combination of materials). All glass assemblies (e.g., barriers, doors, and windows) should be dual-paned and have sealant applied around the exterior edges having a STC 35 rating along Watsonville Road and STC 30 rating for units facing Monterey Road. Additionally, mechanical ventilation should be installed in the units adjacent to Watsonville Road to move air within the structures.

SECTION 408 PERMIT

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A. The proposed widening improvements to Watsonville Road would involve limited work within the right-of-way (ROW) for the Upper Llagas Creek Flood Protection Project (ULCFPP) related to the construction of an eight-foot-wide meandering sidewalk along the south side of Watsonville Road. This work within the ULCFPP ROW, owned by Valley Water, would require a Section 408 permit from the U.S Army Corp of Engineers. The Section 408 permit shall be obtained prior to issuance of improvement plans for the project.

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 Common Area and 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

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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 Common Area or public right-of-way in question. Any and all costs incurred by the City in so maintaining the Common Area or public right-of-way shall be 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 Approval Certificate:** Submit two (2) signed copies of the Approval Certificate _____ to the Planning Division prior to issuance of a building permit.

ENGINEERING DIVISION

Project Specific

A. **Valley Water Permit**: All proposed work within the Valley Water District right-of-way or land will require Valley Water's review/clearance or permit.

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B. **Beneficial Infrastructure Improvement Fee:** In accordance with the "Beneficial Infrastructure Improvements" of the recorded Development Agreement (DA) by and between the City and Royal Oaks Enterprises Inc. regarding Urban Service Area Amendments (USA-06-01 and USA 14-01), the project shall reimburse the City the public improvement costs of $214,911.00 for the work completed along the property's Watsonville and Monterey Road frontages by the Butterfield Boulevard Extension Project. The Developer shall pay the full amount to the City prior to the acceptance of the off-site improvement work.

C. **Undergrounding Reimbursement:** The project shall reimburse the City the cost of the recent undergrounding of the overhead utilities along Monterey Road from the center line of Watsonville to the existing junction pole.

D. **Undergrounding of Utilities:** The Developer shall underground all existing overhead utilities along the Watsonville Road frontage of both parcels 'One' and 'Two', as identified in the Tentative Parcel Map, in order to complete street widening and pedestrian improvements along Watsonville Road.

E. **Watsonville Road Widening:** The Developer shall widen and/or reconstruct the Watsonville Road frontage approximately 55 feet to the centerline of Watsonville Road. The roadway widening improvements are to include curb, gutter, sidewalk, full asphalt concrete pavement section for an arterial section, striping and signage, and all other improvements required for the roadway widening. The roadway improvements shall be in conformance with current City Standards for an arterial roadway.

F. **Landscaped Center Median:** The Developer shall install a concrete landscaped center median along the Watsonville Road frontage's roadway improvements. The cost to construct and install the median shall be reimbursed by the City to the Developer. The maintenance and irrigation of the median landscaping shall be the responsibility of the property owner and a Private Landscape Maintenance Agreement shall be recorded at the County Clerk-Recorder's Office concurrently with the Parcel Map.

G. **Meandering Walk:** Meandering walk in the public frontage may need to be adjusted to accommodate public street trees, as location of walk at the drainage stormwater basins are too close to allow for planting of trees.

H. **Dedications:** The Developer shall dedicate and/or rededicate in fee title to the City the balance, if any, of 55 feet of public right-of-way along the Watsonville Road frontage of both parcels 'One' and 'Two', as identified in the Tentative Parcel Map, to the centerline of Watsonville Road.

I. **Public Service Easement:** The Developer shall grant a 10' Public Service Easement (PSE) to the City that is adjacent to the public right-of-way and along

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the Monterey Road and Watsonville Road frontage of both parcels 'One' and 'Two', as identified in the Tentative Parcel Map.

J. **Private Sanitary Sewer lines:** The onsite sanitary sewer lines and sewer laterals are required to be private. A Private Sanitary Sewer Maintenance Agreement, which outlines the responsibility for operation and maintenance of the project's private sanitary sewer lines and private sewer laterals, will also be required. The Private Sanitary Sewer Maintenance Agreement shall be recorded at the County Clerk-Recorder's Office concurrently with the Parcel Map.

K. **Stormwater**:

1. Pre-stormwater treatment BMP installation inspections of soils percolation values shall be provided to City Engineer or designee for review and concurrence with design percolation values.

2. Provide Stormwater Control Plan to current standard format and address the attached stormwater comments.

3. Per preliminary stormwater calculations the technically infeasibility for PCR 2 and PCR 3 due to poor existing infiltration rates (0.0031 inches/hour). However, Technically Infeasibility can only be claimed for PCR 3. Water Quality-PCR 2 is not subject to this requirement and must be met on site. The engineer also states they are increasing the 85th and 95th percentile volumes by 20%. This contradicts Technically Infeasibility as stated in the permit.

   Per Section B.4.e of Resolution R3-2013-0032:
   e) Ten Percent Adjustment for Sites with Technical Infeasibility – Where technical infeasibility, as described in Section C.1.c., prevents full on-site compliance with the Runoff Retention Performance Requirement, on-site retention of the full Retention Volume per Section B.4.d.vi. is not required and the Regulated Project is required to dedicate no less than ten percent of the Regulated Project's Equivalent Impervious Surface Areas to retention-based Stormwater Control Measures.

   i) Use the Attachment E instructions to calculate the ten percent adjustment for applying the Runoff Retention Performance Requirement.
   ii) The Water Quality Treatment Performance Requirement is not subject to this adjustment, i.e., mitigation to achieve full compliance with the Water Quality Treatment Performance Requirement is required on- or off-site.

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4. The Developer shall execute two separate Stormwater BMP Operations and Maintenance Agreements for parcels 'One' and 'Two', as identified in the Tentative Parcel Map. The agreements shall include the property owner as the responsible party for the corresponding off-site post-construction stormwater water quality treatment facilities within the public right-of-way and adjacent to each parcel. Both agreements shall be recorded at the County Clerk-Recorder's Office concurrently with the Parcel Map.

GENERAL

A. **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)**

B. **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)**

C. **Improvement Drawings**: 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)**

1. Improvement plans shall show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.

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. **Subdivision 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)**

F. **Reciprocal Access:** Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all common roads, drives or parking areas shall be provided by CC&R's and by deed and shall be recorded concurrent with the map, or prior to issuance of building permit where no map is involved. **(MHMC 17.20.350 H)**

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G. **Raised Landscape Median:** The applicant shall be required to install a raised landscape median on Watsonville Road for that portion covering the project frontage per City's General Plan. (MHMC 12.02.120 B)

H. **Reimbursements:** Pursuant to City Ordinance 982, the subject property will have reimbursement obligation to the City for lands acquired for street purposes and streets improved should those lands/street improvements abut or be included within subject property. (MHMC 12.02.120 B)

I. **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 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. **Right-of-Way Dedications:** The project shall dedicate a total of 55 feet from center line of public right-of-way on Monterey and Watsonville Road. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.90; 12.02.100; 17.28.010)**

D. **Corner Cutoff Dedication:** The project shall dedicate the required corner cutoff at the intersection of Monterey and Watsonville Road. **(MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010)**

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E. **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)**

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/Design 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 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)**

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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. **Tree Protection**: 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 Public Works Engineering. A Waste Discharger Identification (WDID) number to be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WDID number and approved SWPPP Manual shall be provided to Public Works and the Building Department prior to any approval of grading activities **(SWRCB NPDES General Permit CA000002).**

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

1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE).**

2. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).

3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.

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4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.

5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building and Public Works Department 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 Public Works). 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.
10. 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**: Install water line extension on the proposed public streets and/or private streets. **(MHMC 17.32.020 A & D; CMH Water System Master Plan)**

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D. **Water meters**: Provide separate water services and meters for each lot. These are to be installed by developer. **(MHMC 17.32.020 D)**

E. **Water Master Meter**: All residential units are being served by one master public meter and shall be privately sub-metered as allowed pursuant to Section 13.04.130.C of the Morgan Hill Municipal Code. The owner of a multi-unit residential development that includes habitable dwellings, may, upon compliance with the following, install separate private submeters to each residential unit in lieu of installing separate public meters directly to the municipal water system:

1. The owner shall obtain approval/permit from the Public Works Department for the submeter system.
   a. Any submeters shall accurately and completely measure all water consumed from the municipal water system.
   b. The owner shall agree to charge the tenant of each unit a water utility charge strictly based on the consumption by the occupants of the unit.
   c. Installation, maintenance and monitoring of the submeter system shall be the responsibility of the owner, and in no circumstances shall the city be responsible.
   d. If any water conservation plan is implemented or imposed by the city, the owner shall be responsible for complying with any reductions required by such plan as measured by consumption on the meter(s) directly connected to the municipal water system.
2. Failure to abide by the above conditions, and/or any other conditions the city may impose, may result in revocation of any permit issued and/or other action as authorized by law, such as at the owners expense install individual public water meters for each unit.
3. Owner/developer shall provide an agreement with the City to cover/outline the requirements of section 13.04.130.C of the Municipal Code to be reviewed and approved by the City Engineer or designee.
4. Records of bookkeeping and private sub-metering usage shall be accurately maintained digitally. Upon request from the City, records shall be produced to the city within a 24-hour period.

FEMA CONDTIONS

Project is in a FEMA Special Flood Hazard Area (SFHA) floodplain zone AE. A flood study of the project's impacts has been determined and summarized in Schaaf & Wheeler's letter dated December 4, 2020, Subject: ROYAL OAK VILLAGE CONCEPTUAL DESIGN IMPACT ANALYSIS TO WEST LITTLE LLAGAS CREEK.

A. **Finished Floors:** Residential or commercial lowest finished floors shall be elevated 1 foot above the cumulative base flood elevation (BFE), as determined

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by the flood study by Schaaf & Wheeler.

B. **Parcel Two Development Prohibited:** No further development can occur on Parcel Two of the tentative/final map of the project. As per the flood study and City's requirement that current and future developments cannot exceed the BFE by more than 0.65 feet.

C. **FEMA LOMR-F or FEMA CLOMR-F:** Project shall file a FEMA LOMR-F prior to occupancy or acceptance of the public improvements; a FEMA CLOMR-F (conditional) is optional and can be filed as needed for insurance purposed by the project.

OTHER CONDITIONS

A. **Easement Dedications**: The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**

B. **Undergrounding new 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 or Parcel Maps**: The final map on all major subdivisions (5 or more lots or subdivision for condominium purposes) shall be approved by the City Council prior to issuance of a grading permit. For minor subdivisions (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 property owner or designated maintenance entity.

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 the approval of any Building Permit for grading activity, the developer shall schedule a pre-construction meeting with the Public Works Inspection Division 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

Attachment: PC Resolution Project Decision [Revision 6] (3145 : Watsonville-Hordness (Royal Oaks Village))

NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

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 webpage. Project shall provide Stormwater Runoff Management Plan, 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.

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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

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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:

1. Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.

2. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.

3. Doors: Trash enclosure shall have door(s) which can be secured when closed.

4. 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

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into the enclosure.

5. 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) stormwater 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.

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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.

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

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treatment BMPs (City standard STORMWATER BMP OPERATION AND MAINTENANCE AGREEMENT to be provided by Public Works 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 **Register Civil Engineer (RCE)**.

2. Unless otherwise required by the chief engineer or designee, stormwater facility inspections shall be done at least twice per year (April 15th and September 15th) by the RCE. Written records shall be kept of all inspections and shall include, at minimum, the following information:
   a. Site address;
   b. Date and time of inspection;
   c. Name of the person conducting the inspection;
   d. List of stormwater facilities inspected;
   e. Condition of each stormwater facility inspected;
   f. Description of any needed maintenance or repairs; and
   g. As applicable, the need for site re-inspection.

3. Upon completion of each inspection, an inspection report shall be submitted to Public Works 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 chief 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

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functioning as required by the SWRMP.

BUILIDNG DIVISION

A. **California Code of Regulations:** Project shall be designed to comply with the 2019 California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15.

B. **Accessibility:** Project shall be designed to comply with the accessibility requirements of the California building Code 11A or 11B depending on the funding.

C. **Flood Hazard Area:** Project is in a Flood Hazard Area and shall comply with MHMC 15.80.

D. **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.
3. MHMC 15.40 Building Security
4. MHMC 15.38 Wage Theft Preventions
5. MHMC 18.148 Water Conservation
6. MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings (Applies to all Building Permit Applications Received on or after March 1, 2020)

E. **Acoustical Analysis:** An acoustical analysis report shall be submitted with the building permit documents showing interior and exterior noise mitigations for compliance to the MHMC and California Building Code.

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.

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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. **Required Access to Buildings.** Portions of the structure(s) are greater than 150

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feet of travel distance along an accessible travel path from an approved fire apparatus access roadway or driveway. Provide an approved fire apparatus roadway/driveway with an approved turn-around OR provide an approved type residential fire sprinkler system throughout all portions of the building. (CFC section 503 as amended by MHMC 15.44.140)

J. **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.

K. **Aerial Fire Apparatus Access Roads:** 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 with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

1. 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.

2. 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.

L. **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)**

M. **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

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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.

SANTA CLARA VALLEY TRANSPORATION AUTHORITY

Civil Offsite Plans

VTA reviewed the offsite plans. The current striping on Watsonville Road as proposed leaves bicycles vulnerable to right-hooks due to the combined through right turn lane. Watsonville Road is heavily used by recreational cyclists. VTA recommends the following design options for bike accommodations:

A. **Bike Box Location:** Place a bike box at the end of combined through right turn lane, this will allow a safe place for cyclists making a through movement and minimize encroachment by cyclists into the pedestrian crossing.

B. **Design Guidelines:** Paint “Wait Here” and optionally do not allow right turns on red in front of the bike box. Consult NACTO Design Guidance – Bike Boxes for more details.

C. **Combined Bike Lane/Turn Lane:** Optionally, but less desired, create a shared bike through right-turn lane using green sharrows. Consult NACTO Design Guidance – Combined Bike Lane/Turn Lane

Attachment: PC Resolution Project Decision [Revision 6] (3145 : Watsonville-Hordness (Royal Oaks Village))

Attachment: CC Resolution No. 21-001 Affordable Housing Density Bonus Concessions- Watsonville-Hordness (3145 : Watsonville-Hordness

RESOLUTION NO. 21-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL GRANTING FOUR CONCESSIONS FOR THE WATSONVILLE-HORDNESS PROJECT, A 73-UNIT AFFORDABLE HOUSING DEVELOPMENT TO BE LOCATED AT WATSONVILLE ROAD, SOUTH OF MONTEREY ROAD (APN: 779-04-075).

WHEREAS, A0702 Morgan Hill, LP has requested four concessions for the 100 percent affordable housing development including a parking reduction, increase in floor area ratio, reduction in common open space and increase in building height.

WHEREAS, the Project is an affordable housing development project that includes 100 percent affordable rental units for lower income households (excluding managers unit) of up to 60 percent AMI.

WHEREAS, pursuant to Government Code Section 65915(d)(2)(D), the Project is allowed up to four concessions.

WHEREAS, none of the findings for denial of the concessions required by Government Code Section 65915(d)(1) are supported by substantial evidence.

WHEREAS, the Watsonville-Hordness Affordable Housing development project to be located at Watsonville Road, south of Monterey Road and identified by Assessor's Parcel Number 779-04-075 will provide a public benefit of a 100 percent affordable housing and will be deed restricted for 55 years, or the four concessions granted for a parking reduction, increase in floor area ratio, reduction in common open space and increase in building height will become null and void.

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

Section 1. The City Council does hereby find that the foregoing recitals are true and correct.

Section 2. The Project is consistent with the Zoning Ordinance and General Plan.

Section 3. The City Council of the City of Morgan Hill hereby grants the density bonus and the four concessions for the Watsonville-Hordness Affordable Housing development project.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 20th day of January 2021 by the following vote:

AYES:	**COUNCIL MEMBERS:**	**Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, John McKay, Rene Spring**
NOES:	**COUNCIL MEMBERS:**	**None**
ABSTAIN:	**COUNCIL MEMBERS:**	**None**
ABSENT:	**COUNCIL MEMBERS:**	**None**

APPROVED:

DocuSigned by:
Rich Constantine
02EAF5B057884E7...

RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:
Michelle Bigelow
C0FCB7EABA7C4C8...

MICHELLE BIGELOW, City Clerk

CERTIFICATION

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-001, adopted by the City Council at a regular meeting held on January 20, 2021.

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

DATE: 1/22/2021

DocuSigned by:
Michelle Bigelow
C0FCB7EABA7C4C8...

MICHELLE BIGELOW, City Clerk

Attachment: CC Resolution No. 21-001 Affordable Housing Density Bonus Concessions- Watsonville-Hordness (3145 : Watsonville-Hordness

1i-Requested Exceptions, CUP, and Design Waiver for Royal Oak Village

The Royal Oak Village is requesting four (4) Exception/Concessions, a Conditional Use Permit, and Design Waiver. Without the F.A.R exception, the economic viability of the project would be considerably reduced. The concessions of State Parking Levels and the increase in Height levels, enhance the quality of the project aesthetically and functionally. The Conditional Use Permit for the solar carports under the Green Parking Exception, allows the maximization of solar generation for tenants and common areas, while also providing shaded parking. The Entry Orientation Design Waiver request has some economic benefit, but more so, increases safety and convenience to the tenants.

1) SB 1818 Parking Levels
Under SB 1818 Section 65915 (p)(1)(A&B) the maximum allowable affordable housing development vehicle ratio, inclusive of ADA and guest parking, is: Zero to One Bedroom: One onsite parking space. Two and Three Bedroom: Two onsite parking spaces.

As calculated, the State Affordable Vehicle Ratio for the Crossings on Watsonville is a total of 140 vehicle spaces based on the unit mix of 6-one bedroom units, 37-two bedroom units, 28-three bedroom units. The number of spaces provided by the Project is 140 parking spaces.

Further exceeding the ratio and adding parking spaces will be at the cost of a reduction of project common open space.

Pursuant to SB 1818, the Project requests parking levels in line with the State vehicle ratio.

2) Increased Height Level:
The Project is requesting an increase to the maximum height of the building. As designed with gabled roofs, the maximum roof height of the buildings is at 45 feet, occurring at the centralized core of the three-story buildings. Other third level roof lines are at a maximum height of 42 feet. Combined, the multiple roof lines provide articulation and multiple massing sections of the structures.

While a lower height level is attainable, it would require a significantly reduced gabled roof pitch, or a flat roof. Besides completely changing the architectural look of the building, flat and minimal pitch roofs are more prone to moisture penetration in the long term.

For architectural articulation and massing, and long-term maintenance, the Project requests an Exception to increase the maximum height of the building.

3) F.A.R. Exception:
The Zoning and General Plan are noted as Mixed Use Flex. Allowable density is 7-24 unit to the acre, with the project at 19.73 units to the acre. The Project F.A.R. is .68 The allowable F.A.R. for the MUF zoning is .50. To achieve a F.A.R. of the zoning, the project would need to combine a reduction of the number of units by 14 units and reduce solar paneled, carport spaces, both which would reduce the economic viability of the project. It would also increase

Attachment: Exception Letter (3145 : Watsonville-Hordness (Royal Oaks Village))

the cost per door of the project as fixed site and improvement of Watsonville Road would be over 59 units, instead of 73 units.

Financially, the cost per door would increase by $49,459, the project would have a financial gap of $1,720,293 as a result of less permanent debt and funding sources, and impact fees collected by the City of Morgan Hill would be reduced by $546,000.

The Project is requesting a concession of the F.A.R to be higher than the F.A.R. of the zoning to maintain the economic viability and higher levels of energy efficiencies.

4) Common Open Space Area:
Initially, the project attained this 15% common open space requirement by our calculations, exceeding the minimum 24,176 sf for the 3.7 net acre site. As a result of adding future EV charger spaces and access, open space was reduced to maintain the State level 140 spaces. Adjusted estimated project common open space is 23,840 sf.

Conditional Use Permit:
The project has taken steps to increase landscape parking fingers to add trees. Yet with the 73 parking spaces covered by solar roof carports, the placement of trees at the landscape fingers has a direct negative impact on the solar generation.

Since the parking lot incorporates solar panels and bioswales, the project is eligible for reduced parking lot landscaping requirements with the approval of a conditional use permit and requests this CUP based on the “Green Parking Exemptions”.

Design Waiver Request:
Only Building B has units (4) that front Watsonville Road. Accessibility is from the parking area to units through two centralized stairwell corridors. Providing access from Watsonville Road, either through the stairwell corridor, or at the patios that front Watsonville Road, would require multiple staired paths and multiple ramps to account for the elevation increase of the building from the street. Additional access points from Watsonville Road will also reduce security/eyes on entries. Access through the stairwell corridor will also eliminate the 6 long term and 6 short term bike storage areas. As a result of the additive costs of estimated at $30,000, reduced bike storage, and reduced security, we request a Design Waiver on this standard.

Attachment: Exception Letter (3145 : Watsonville-Hordness (Royal Oaks Village))

Safety and Security Plan for Royal Oak Village

Section 1: Building Safety

a. Doors/Gates
b. Security Cameras
c. Lighting
d. Parking/Common Area

Section 2: Resident Safety

e. Tenant Screening
f. Tenant Problems/Evictions
g. Tenant Education

Section 3: Community Involvement

h. Community Outreach
i. Resident Activities
j. Multifamily Monthly Police Meeting
k. Rental Subsidy/Voucher Programs

Section 1: Building Safety

a. Doors/Gates

The Royal Oak Village was designed at the direction of the City to have one driveway access point on Watsonville Road and an internal driveway that connects to the adjacent parcel that will be developed in the future. The Royal Oak driveway will provide the circulation to Watsonville Road for both projects while both projects will also access Monterey Road by the shared site circulation. The driveway access point on Watsonville Road has a back up area of 32.5 linear feet, 8 feet short of allowing for two car stacking. As a result of these factors, gating the drive aisle is not feasible. It was then determined that the frontage along Watsonville Road would not be fenced.

The remaining three sides will be fenced with a combination of a low 1-2 foot retainer wall and 5-foot tubular steel fence. When the project to the north is completed, the fencing at the internal driveway will be removed.

Entry doors to units are within stairwells and have 4 entries per stairwell, per level. Each stairwell provides access to a total of 12 units, 6 stairwells in total serving the 72 tenants.

b. Security Cameras

ATTACHMENT A outlines the proposed security camera locations for the project. Cameras will be located within each stairwell at each level. Cameras will also be located

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

on buildings to view the parking lot area. The community center will have interior and exterior cameras on common areas.

c. Lighting

Exterior building areas, common open space, parking spaces and carports will have lighting to meet the city standard for photometric design.

d. Parking and Common Area

All parking and common areas will be lit to city standards. Security cameras will be situated to view parking and common areas.

Section 2: Resident Safety

e. Tenant Screening

The proposed tenant population of the Royal Oak Village will be a combination of farmworker families and supportive housing families.

Affirmative fair housing marketing procedures shall be followed to select eligible farmworker households as tenants. Applications for Supportive Housing units may be handled separately to ensure Property Management is "screening in" all prospective tenants. ATTACHMENT B outlines the Tenant Screening for the Supportive Housing Tenants.

Criteria subject to changed based on city and county requirements.

f. Tenant Problems/Evictions

Problems: The case worker at the Royal Oak Village will be full time (with the few exceptions of being at the county corporate offices for meetings) and will work very closely with property management on a daily basis for their clients. Property management, including the onsite manager and regional manager, will have weekly meetings with the county's case worker and program manager, to go over each resident to ensure any issues are addressed as soon as possible. If the problems persist, notices and lease violations are served, and if needed, eviction proceedings begin.

Evictions

The owner may terminate the tenancy only in accordance with the lease and HUD requirements.

a. Grounds. During the term of the lease (the initial term of the lease or any extension term), the owner may terminate the tenancy only because of:

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

1. Serious or repeated violation of the lease;
2. Violation of Federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the unit and the premises;
3. Criminal activity or alcohol abuse (as provided in paragraph c); or
4. Other good cause (as provided in paragraph d).

b. Criminal Activity or Alcohol Abuse

(1) The owner may terminate the tenancy during the term of the lease if any member of the household, a guest or another person under a resident's control commits any of the following types of criminal activity:

(a) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);

(b) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;

(c) Any violent criminal activity on or near the premises; or (d) Any drug-related criminal activity on or near the premises.

(2) The owner may terminate the tenancy during the term of the lease if any member of the household is:

(a) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or

(b) Violating a condition of probation or parole under Federal or State law.

(3) The owner may terminate the tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

(4) The owner may terminate the tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.

c. Other Good Cause for Termination of Tenancy

(1) During the initial lease term, other good cause for termination of tenancy must be something the family did or failed to do.

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

(2) During the initial lease term or during any extension term, other good cause includes:

(a) Disturbance of neighbors,

(b) Destruction of property, or

(c) Living or housekeeping habits that cause damage to the unit or premises.

(3) After the initial lease term, such good cause includes the tenant's failure to accept the owner's offer of a new lease or revision.

g. Tenant Education (Supportive Services)

In the broadest sense, the goal for the Supportive Housing Tenants is to obtain and retain housing, improve health conditions, improve daily living activities, increase meaningful daily activities and to achieve long-term stability. This is achieved through the integration of supportive services and education of the tenants. ATTACHMENT C outlines the Tenant Education and Services for Supportive Housing.

All services are voluntary, connected to a treatment or services plan, responsive to the participant's needs/diagnosis, and geared toward helping them manage symptoms. Tenants receive:

i. Assistance to access primary care, specialty care, dental care and behavioral health services, including substance abuse counseling, Individual and family counseling, crisis intervention/support and medication management/education;
ii. Coordination with health services or supports health care providers in their efforts to coordinate health services;
iii. Assistance in applying for assistance programs including, but not limited to, Medi-Cal and MediCare, Supplemental Security Income, General Assistance and utilities discounts;
iv. Assistance to access employment services, job training, and/or volunteering opportunities;
v. Receive encouragement and help to connect to social networks, peer support and leisure activities; and,
vi. Assistance with other basic needs such as transportation, food/nutrition, life skills and basic hygiene.

The supportive services will be funded from a variety of sources that are available to the County including, but not limited to, County General Funds, Medi-Cal/Medi-Care and the HUD Continuum of Care (CoC) program. The cost to the County is estimated to be approximately $10,000 per year per unit or a total of $360,000 per year. Services will be provided at no cost to the supportive housing residents.

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

h. Community Outreach

Market of the project will be accordance with the Affirmative Fair Housing Marketing Plan guidelines. Marketing includes the use of local newspapers, radio and printed ads, including flyers, around the surrounding community of Morgan Hill. A banner with general information on how to apply on the construction site for interested households will also be displayed. The project will also work with the City of Morgan Hill, including Christie Thomas and her contacts to directly promote the project.

The supportive housing units had a lot of interest due to the need for affordable housing. As for the PBV units, ownership and management get the applicants through the County of Santa Clara. We do not do any marketing or advertising for those units

i. Resident Activities

The project will have a Service Coordinator who will provide information, referral, service coordination and community building activities for all residents of Royal Oak Village and administer an ongoing and regular adult education, health and wellness, and skill building program. These general services include:

1) Financial Literacy Classes
2) Education
3) After School Activities
4) Job Search Assistance
5) Computer Classes
6) Credit Repair
7) Food Share
8) English as a Second Language
9) Income Tax Preparation
10) Section 8 Family Self Sufficiency

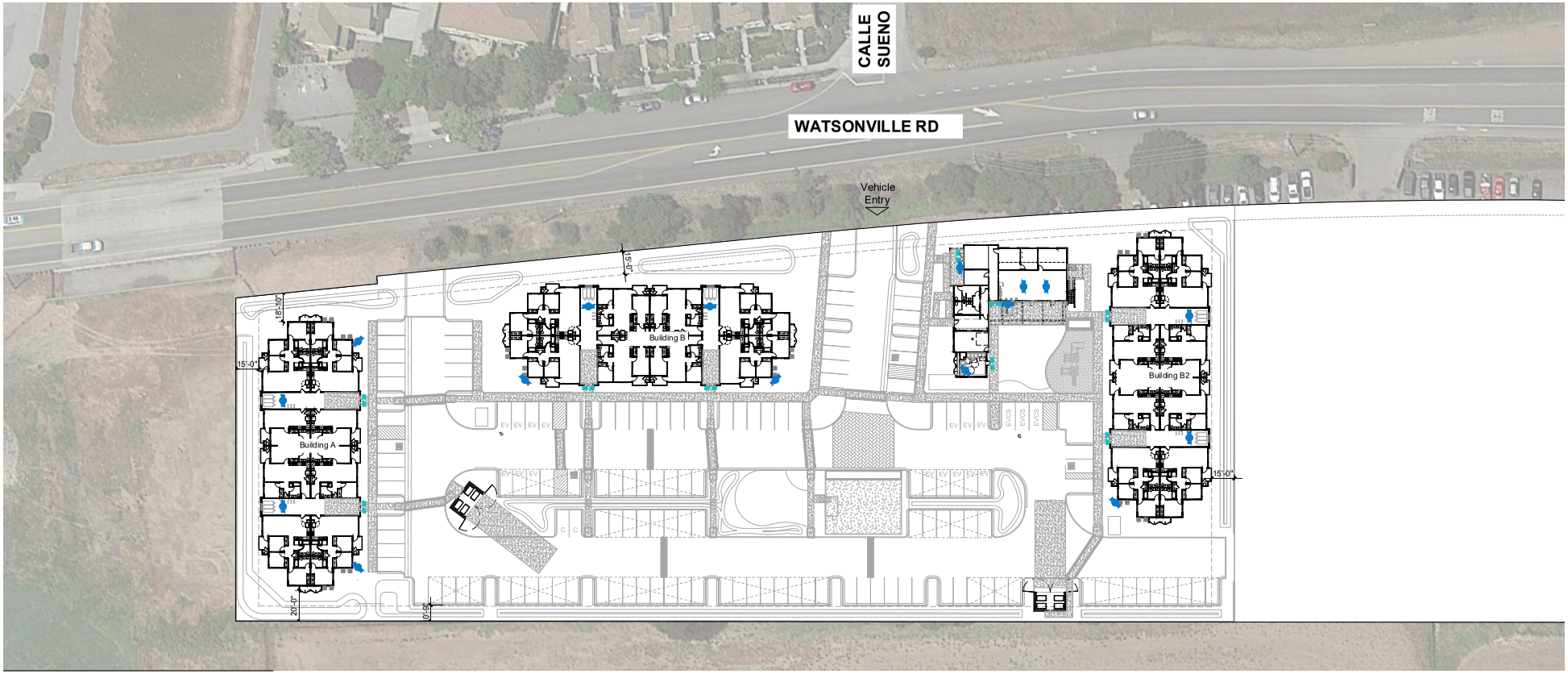
j. Multifamily Monthly Police Meeting

Ownership, management, the County of Santa Clara and City of Morgan Hill) will collectively meet with the police department on a monthly basis to review police calls of service, ongoing issues at the site, other areas of concern such as site lighting, vandalism, etc.

k. Rental Subsidy/Voucher Program

At the time of entitlements, the County of Santa Clara has indicated that they do not presently have Project Based Vouchers for any projects.

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))



LEGEND

- Door/Gate
- Security Camera*

*Note: Stairwell cameras on each floor

TENANT SCREENING POLICY

Due to additional requirements provided in this agreement, applications for Supportive Housing units may be handled separately to ensure Property Management is "screening in" all prospective tenants. All applicants are given equal opportunity to exercise their right to the processes under the Property Management and/or the Santa Clara County Housing Authority (SCCHA) Mitigating Circumstances Policy (see item No. 4 below). It is the applicant's right to appeal screening decisions due to negative background or criminal history.

1) In collaboration with the Property Manager, SCCHA Services staff will participate in the resident selection process by first meeting with the County and/or its Service Providers to review the Resident Selection Criteria and to review and agree upon the Tenant Screening Policy.

2) **Project Orientation.** Once the a prospective tenant has been identified by the County and engaged by the Intensive Case Managers (ICMs) of the appropriate Service Provider(s), the first step in Tenant Screening Policy is to help the prospective tenant successfully submit a complete rental application in accordance with the Resident Selection Criteria for the Project. The ICMs will be the prospective tenant's primary support; however, Property Management shall assist by offering to meet with prospective tenant and their ICM. The purpose of the **Project Orientation** meeting is to:

   a) Orient the prospective tenant to the property and the units;
   b) Explain the Resident Selection Criteria, the rental application requirements and the steps and parameters involved in the Mitigation Process;
   c) Explain the role of Property Management Services staff;
   d) Offer the prospective tenant an opportunity to build rapport with Property Management staff and;
   e) With appropriate releases of information signed, offer the Property Management staff, the ICM and the prospective tenant an opportunity to discuss housing barriers and service needs.

3) **Intake Interview.** The **Project Orientation** may be held separately or at the time of the **Intake Interview.** The **Intake Interview** will be a meeting between all adult household members of the prospective tenant, the prospective tenant's ICM, and the Property Manager.

   a) The objective is to review all paperwork and obtain required documentation of income and assets in order to submit a complete rental application. Upon receiving all documentation, Property Management will process the application. In the event the applicant does not meet the Resident Selection Criteria, the Property Manager will mail a written notice to the prospective tenant. A written notice is required by California law whenever an "adverse action" (i.e., denial of application) is taken against a prospective tenant based in whole or in part on information contained in a consumer credit report.

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

However, the Property Manager shall call the prospective tenant and the prospective tenant's ICM to notify them of the reason(s) why the prospective tenant did not meet the Resident Selection Criteria.

b) In order to minimize the duration of the rental application process and recognizing that the prospective tenants will have significant housing barriers, all parties agree that:

i) A prospective tenant may request consideration under the **Mitigating Circumstances Policy** at the time of that the rental application is submitted;

ii) Applicants with problematic rental or credit histories may request consideration based on disability status and/or issues relating to mitigating circumstances, therefore, the Resident Selection Criteria will be considered in conjunction with the Mitigating Circumstances Policy;

iii) A prospective tenant may submit documentation of the existence of special needs along with the rental application; and

iv) If the prospective tenant is notified that they did not meet the Residential Selection Criteria, the notification will include the time and date of the **Mitigating Circumstances Interview.** Unless inconvenient for the prospective tenant, the **Mitigating Circumstances Interview** will be scheduled for no later than seven business days from the date that the prospective tenant's rental application was denied.

4) **Mitigating Circumstances Policy and Interview.** The **Mitigating Circumstances Policy** is intended to "screen in" prospective tenants who had otherwise failed to meet the Resident Selection Criteria. The policy includes a review of all documentation submitted by the prospective tenant as well as a **Mitigating Circumstances Interview.** The Property Management will include the applicant's ICM in the review and in the interview.

a) While the decision to accept the prospective tenant will rest with the Property Manager, the Owner shall inform the County of the results of all reviews and interviews so that the County may evaluate that fairness and effectiveness of the Property Manager's **Mitigating Circumstances Policy.**

b) County staff may also observe the **Mitigating Circumstances Interviews** and documentation review.

c) The Mitigating Circumstances Policy does not allow for blanket waivers of specific Resident Selection criterion. However, in assessing the prospective tenant's request the Property Manager shall consider all relevant factors including, but not limited to:

i) The impact that stable housing will have on helping the individual achieve their personal stability and health goals;

ii) The impact that homelessness or unstable housing had on the events in question including the lack of or poor rental history and convictions for quality of life crimes

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

(e.g., panhandling);

iii) The time, nature, extent and seriousness of the past behavior or action;

iv) The role of other family members or household members;

v) The extent to which disability or disabling conditions contributed to the behavior or circumstances;

vi) The availability of rental subsidies, other financial assistance or financial assistance programs (e.g., representative payee services) to limit risk of non-payment of rent;

vii) The extent to which the applicant's current or previous actions have addressed or are mitigating the underlying conditions which caused the previous action or behavior; and,

viii) Factors which might indicate a reasonable probability of favorable future conduct, including evidence of rehabilitation and applicant's willingness to participate in social services.

5) **Move-In Orientation:** Once a prospective tenant's rental application has been approved, the Property Manager will schedule a move-in date/orientation with ICM and tenant as soon as possible. The orientation shall be conducted in a quiet, private setting, and will be scheduled for at least 45 minutes. The purpose of the orientation is to:

a) Determine furniture and other needs;
b) Finalize lease documents;
c) Familiarize the tenant with the property, their unit, the lease and the property's rules;
d) Collect the security deposit and first month's rent; and,
e) Continue the rapport-building between the tenant, the ICM and the Property Manager.

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

ATTACHMENT C—Tenant Education and Services for Supportive Housing

1. General. The Service Provider(s) are County staff or community-based organizations who have experience with chronically homeless individuals and families, including those who are high users of safety-net services such as emergency and acute health services. The Service Provider integrates case management, clinical services, educational and vocational services and housing services to help chronically homeless individuals obtain and retain permanent housing. The Service Provider is responsible for helping individuals:
    a. Enroll, engage and remain engaged in services;
    b. Obtain permanent housing as quickly as possible, with the goal of moving into housing within 60 days of enrollment in case management;
    c. Remain housed for at least 12 months or leave the program for other stable and affordable housing situations;
    d. Improve their health and wellness, an indication of which can be a reduction in the unnecessary utilization of emergency and acute health services;
    e. Improve their self-sufficiency by obtaining and retaining sufficient resources to meet their basic needs;
    f. Obtain and retain stable income that is greater than or equal to $850;
    g. Receive appropriate medical and behavioral health services; and,
    h. Meet the goals that they set for themselves with respect to self-sufficiency, employment, and quality of life.

2. Key Service Principles
    a. Housing First: Housing is the foundation upon which homeless persons can end their homelessness, address their health conditions and improve their stability and self-sufficiency, the Service Provider makes every effort to place individuals in housing as quickly as possible with the least number of pre-conditions. Once housed, even the "hardest to serve" can succeed with proper support. Participation in services are not required. However, participation in services are encouraged, and the Service Provider is required to continually implement engagement strategies. The only behaviors that might trigger an involuntary exit from the program are those associated with serious or repeated lease violations, unit abandonment, or long-term incarceration/institutionalization.
    b. Community-based service delivery: The team provides clinical services in the settings where the participant is most comfortable.
    c. Consumer choice: Each participant can define his/her own recovery goals.
    d. Recovery: Everyone is capable of recovery but it will look different for each person. With stable housing and appropriate services, individuals will become healthier, more stable, happier and more self-sufficient.
    e. Harm reduction: The Service Provider focuses on reducing the negative consequences of drug use, not enforcing sobriety.
    f. Success: The Service Provider continually reinforces the possibility of success for each participant, conveying that faith and hope directly to them, so that they eventually believe in themselves.
    g. The Service Provider maintains a "whatever it takes" approach to meeting the clients' needs and ensures that the changing needs of the clients are met.

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

3. Service Components. The Service Provider is responsible for:

a. Outreach, Enrollment, Assessment and Planning
   i. Locating each potential Supportive Housing Resident, establishing trust and rapport and enrolling the individual (or family) in the Service Provider's program.
   ii. Conducting assessments to identify psychosocial, life skills and functional needs, eligibility for entitlement programs (e.g., General Assistance, IHSS, etc.) and self-sufficiency needs;
   iii. Maintaining appropriate levels of engagement and sustaining clients' belief in recovery; and;
   iv. Developing client-centered service plans to obtain and retain housing, improve health conditions, improve daily living activities, increase meaningful daily activities and to achieve long-term stability.

b. Housing Attainment and Retention
   i. Assist clients to obtain and maintain permanent housing by assisting with rental application processes (and re-certifications), appeals, and making referrals to services that would facilitate tenancy (e.g., financial education programs for those who have been accepted on a credit appeal);
   ii. Helping the client understand lease provisions and property requirements;
   iii. Assisting clients with their move-ins including coordinating furniture and household goods;
   iv. Providing clients with the skills/knowledge to be successful tenants;
   v. Helping to resolve disputes between the participant, property management and/or other residents;
   vi. Helping individuals respond to effectively and appropriately to lease violations;
   vii. Responding to crises identified by the client, the property management, or other persons (as appropriate) within one business day;
   viii. Helping clients relocate to other permanent housing when it is in the best interest of the client; and,
   ix. Performing wellness checks when needed.
   x. Attend meetings as required by this project. Ensure that the Supportive Housing Residents' case managers participate in these meetings as appropriate.

c. Treatment and Services. All services are voluntary, connected to a treatment or services plan, responsive to the participant's needs/diagnosis, and geared toward helping them manage symptoms. The Service Provider:
   i. Provides or helps clients access primary care, specialty care, dental care and behavioral health services, including substance abuse counseling, Individual and family counseling, crisis intervention/support and medication management/education;
   ii. Coordinates health services or supports health care providers in their efforts to coordinate health services;
   iii. Assists clients in applying for assistance programs including, but not limited to, Medi-Cal and MediCare, Supplemental Security Income, General Assistance and utilities discounts;

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

iv. Helps clients access employment services, job training, and/or volunteering opportunities;
v. Identifies, encourages and helps clients connect to social networks, peer support and leisure activities; and,
vi. Assists clients with other basic needs such as transportation, food/nutrition, life skills and basic hygiene.

4. Staffing and Service Model. Individuals' complex needs will require interdisciplinary teams to work in a coordinated manner. These teams may be part of one or a few organizations operating under the principles of service models such as Assertive Community Treatment (ACT). The size and composition of the team may vary depending on target population, case load size and organizational strengths.

   Regardless of team composition, each client will be assigned a case manager (aka, Intensive Case Manager, Personal Service Coordinator, Service Coordinator, etc.). The case manager is responsible for completing a full assessment, preparing a Treatment Plan, establishing and maintaining a therapeutic relationship with each participant on their caseload, and for coordinating treatment, services, supportive therapy, and crisis management. The case manager is the primary point of contact for property managers and resident services staff. Case managers will be mobile and will deliver most services at or near a client's home. When warranted by case load size, appropriate facilities and client need, case managers will have offices (or office hours) on site.

   Staffing ratios and the frequency of services (e.g., case management sessions and home visits) will adapt based on client needs and progress toward goals. The concept is to have extremely low client to staff ratios during the initial engagement and move-in phase. For example, a case manager may work with five or fewer unhoused chronically homeless persons for three to six months before taking on additional clients. During the initial housing phase - the first 12 to 24 months of housing - case managers would have caseloads of 20 or less clients. During these two phases, case managers and service teams may have contact with clients daily or multiple times per week. It is expected that, for the majority of residents, this intensity will decrease over time as needs decrease.

   As needs and service interactions decrease, clients move into the housing retention phase. While all clients remain a part of the supportive housing program, client to staff ratios may increase, the service focus may shift to wellness goals, and the case management role may shift to peer support specialists or community workers who are a part of or working in conjunction with the Service Provider organization(s).

   Service levels and staffing ratios will revert to higher levels in response to client-specific needs and situations (e.g., medical emergencies that require more intensive care to help an individual recover and regain their health). Reversion to higher levels of service may be short-term, long-term or permanent. Regardless of how long a client has been housed, County and its Service Provider is responsible for ensuring an adequate level of service to achieve and maintain the goals described in section 1.

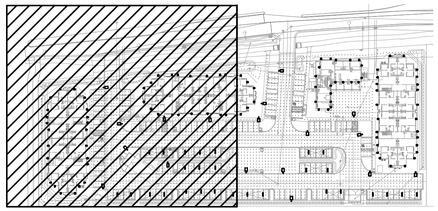
Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

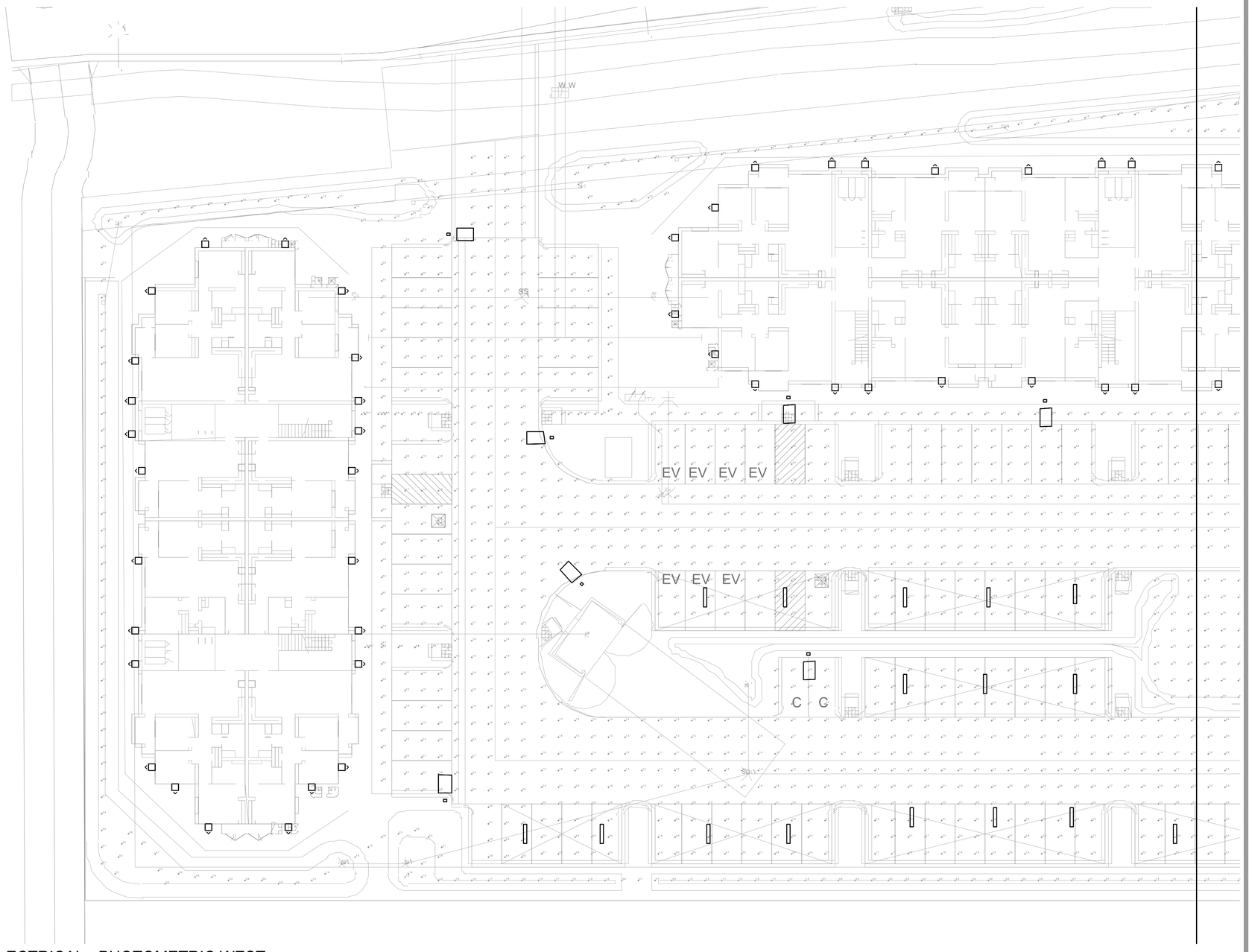
5. Administrative Activities. The Service Provider is responsible to the County for accurately documenting services for assessment, care planning, clinical, billing, program assessment and reporting purposes. For most providers this includes use of or compliance with standards for the Homeless Management Information System and electronic health records for the specialty mental health and behavioral health system.

Attachment: Safety and Security (3145 : Watsonville-Hordness (Royal Oaks Village))

Description										
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
	A	95	U.S. ARCHITECTURAL LIGHTING	DSAP20-PLED-VSQ-N-20LED-350mA-WW	FABRICATED METAL HOUSING, 1 LED MODULE CONSISTING OF:	20 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	20	155	0.9	21.9
	B	18	U.S. ARCHITECTURAL LIGHTING	DSAP25-PLED-VSQ-W--48LED-700mA-NW	FABRICATED METAL HOUSING, 1 LED MODULE CONSISTING OF:	48 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	48	285	0.9	104.2
	C	28	Lithonia Lighting	DMW2 3000LM MD AFL MVOLT 40K 90CRI	DMW2 L24 3000LM MD AFL MVOLT GZ1 40K 90CRI (GLEDS)	LED	1	3000	0.9	27.85

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
1: Parking Lot		2.8 fc	11.9 fc	1.0 fc	11.9:1	2.8:1
2: Walkway		3.2 fc	14.5 fc	0.1 fc	145.0:1	32.5:1





ELECTRICAL - PHOTOMETRIC WEST

SCALE: 1/16"=1'-0"

REVISIONS

NO.	DATE	DESCRIPTION

GMEP ENGINEERS
26439 Rancho Pkwy, S., Ste 120
Lake Forest, CA 92630
Tel: 949-267-9095

PROJECT NAME:
WATSONVILLE ROAD
MORGAN HILL, CA

SHEET TITLE
ELECTRICAL PHOTOMETRIC WEST

DRAWN: GMEP
CHECKED: GMEP
DATE: 10/07/20
SCALE: AS NOTED
JOB NO.: 20-455
SHEET: E-1.0

Attachment: Photometric Plan (3145 : Watsonville-Hordness (Royal Oaks Village))

Description										
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
	A	95	U.S. ARCHITECTURAL LIGHTING	DSAP20-PLED-VSQ-N-20LED-350mA-WW	FABRICATED METAL HOUSING, 1 LED MODULE CONSISTING OF:	20 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	20	155	0.9	21.9
	B	18	U.S. ARCHITECTURAL LIGHTING	DSAP25-PLED-VSQ-W--48LED-700mA-NW	FABRICATED METAL HOUSING, 1 LED MODULE CONSISTING OF:	48 WHITE LIGHT EMITTING DIODES (LEDS), BASE UP.	48	285	0.9	104.2
	C	28	Lithonia Lighting	DMW2 3000LM MD AFL MVOLT 40K 90CRI	DMW2 L24 3000LM MD AFL MVOLT GZ1 40K 90CRI (GLEDS)	LED	1	3000	0.9	27.85

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
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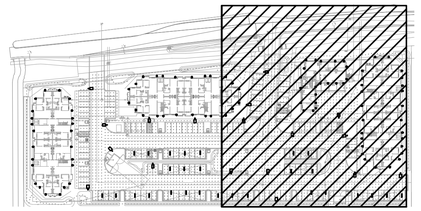
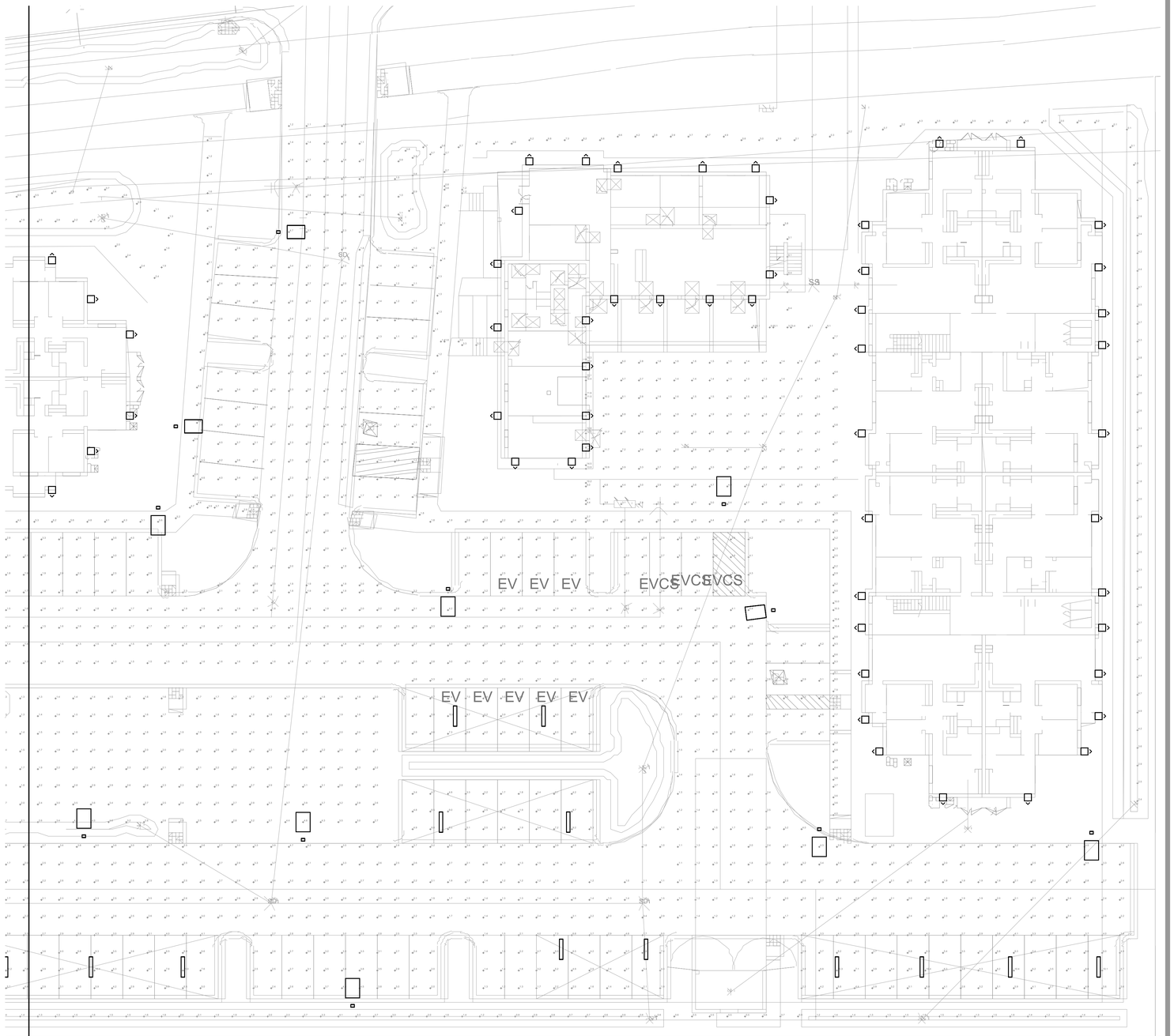
2: Walkway		3.2 fc	14.5 fc	0.1 fc	145.0:1	32.5:1





ELECTRICAL - PHOTOMETRIC EAST

SCALE: 1/16"=1'-0"

REVISIONS

NO.	DATE	DESCRIPTION

GMEP ENGINEERS
26439 Rancho Pkwy, S., Ste 120
Lake Forest, CA 92630
Tel: 949-267-9095

PROJECT NAME:
WATSONVILLE ROAD
MORGAN HILL, CA

SHEET TITLE
ELECTRICAL PHOTOMETRIC EAST

DRAWN: GMEP
CHECKED: GMEP
DATE: 10/07/20
SCALE: AS NOTED
JOB NO.: 20-455
SHEET: E-1.1

Attachment: Photometric Plan (3145 : Watsonville-Hordness (Royal Oaks Village)

SOLID STATE AREA LIGHTING
DSAP SERIES-PLED

PROJECT NAME:

FIXTURE TYPE: Type A (Wall) & Type B (Pole)

FEATURES

Luminaire
Upper housing is heavy gauge cast aluminum (min. .125" wall; alloy >0.2% Cu for DSAP25) or spun aluminum with reveal (.125" min. wall for DSAP20). Lower housing is 0.080" thick spun aluminum with integrated LED module seat. Lower housing is vented at top and bottom for convective cooling of LED module. Top Driver chamber is barriered from LED Module chamber. Trulevel ball coupling mount is welded to housing and facilitates quick leveling and installation.

PLED™ Optics
Emitters (LED's) are arrayed on a metal core PCB panel with each emitter located on a copper thermal transfer pad and enclosed by an LED refractor. LED optics completely seal each individual emitter to meet an IP66 rating. In asymmetric distributions, a micro-reflector inside the refractor re-directs the house side emitter output towards the street side and functions as a house side shielding element. Refractors are injection molded H12 acrylic. Each LED refractor is sealed to the PCB over an emitter and all refractors are retained by an aluminum frame. Any one Panel, or group of Panels in a luminaire, have the same optical pattern. LED refractors produce standard site/area distributions. Panels are field replaceable and field rotatable in 90° increments.

LED Emitters
High output LED's are utilized with drive currents ranging from 350mA to 875mA. 70CRI Minimum. LED's are available in standard Neutral White (4000K), or optional Cool White (5000K) or Warm White (3000K). Consult Factory for other LED options.

LED Driver
Constant current electronic with a power factor of >.90 and a minimum operating temperature of -40°F/-40°C. Driver(s) is/are UL and cUL recognized. In-line terminal blocks facilitate wiring between the driver and optical arrays. Drivers accept an input of 120-277V, 50/60Hz or 347V-480V, 50,60Hz. (0 - 10V dimmable driver is standard. Driver has a minimum of 3KV internal surge protection. Luminaire supplied with 20KV surge protector for field installation.)

Amber LED's
PCA (Phosphor Converted Amber) LED's utilize phosphors to create color output similar to LPS lamps and have a slight output in the blue spectral bandwidth. TRA (True Amber) LED's utilize material that emits light in the amber spectral bandwidth only without the use of phosphors.

Finish
Polyester powder coat incorporates four step iron phosphate process to pretreat metal surface for maximum adhesion. Top coat is baked at 400°F for maximum hardness and exterior durability.

DSAP25

Patent pending

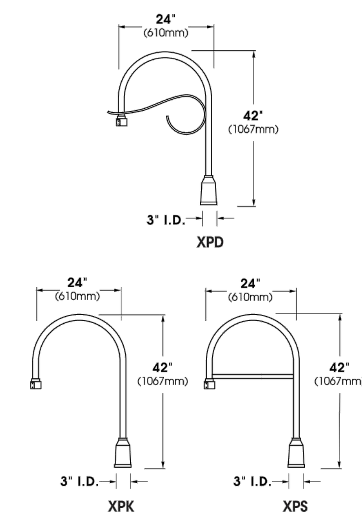
DSAP20
(Formerly DSAP1)

Patent pending

DSAP SERIES - PLED

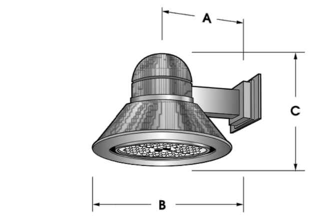
SPECIFICATIONS

Mounting Styles



Arms are heavy wall extruded aluminum construction. For additional arm options see arm section.

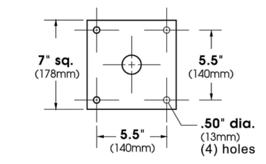
Wall Mount



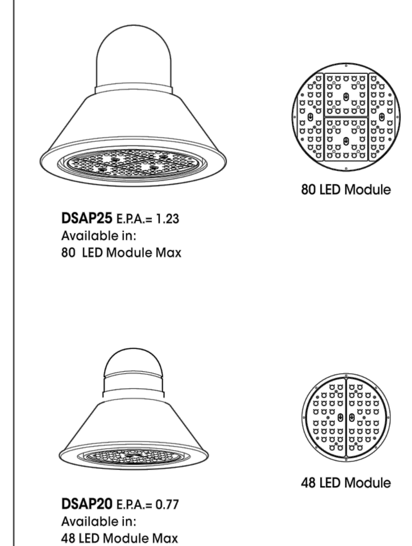
Fixture	A	B	C
DSAP25	18" (457mm)	25" (635mm)	18.5" (470mm)
DSAP20	14" (356mm)	20" (508mm)	16.5" (368mm)a

Extruded aluminum arm and cast aluminum wall bracket assembly provided with built in gasketed wire access for fixture/supply wire connection.

Wall Plate



PLED™ Modules



DSAP25 E.P.A.= 1.23
Available in:
80 LED Module Max

DSAP20 E.P.A.= 0.77
Available in:
48 LED Module Max

ORDERING INFORMATION

Spec/Order Example: DSAP20/PLED-II/48LED-350mA/NW/347/1/RAL-7005-S

Luminaire	Optics	LED Mode	Voltage	Mounting	Finish	Options

Luminaire
- ☐ DSAP25-PLED
- ☐ DSAP20-PLED (Formerly DSAP1)

Optics – PLED™ Distribution Type
- ☐ Type II PLED-II
- ☐ Type II Front Row PLED-II-FR
- ☐ Type III Med. PLED-III-M
- ☐ Type III Wide PLED-III-W
- ☐ Type IV PLED-IV
- ☐ Type IV PLED-IV-FT
- ☐ Type V Narrow PLED-VSQ-N
- ☐ Type V Med. PLED-V-SQ-M
- ☐ Type V Wide PLED-V-SQ-W

LED

# of LEDs:
- DSAP25: ☐ 80LED[1] ☐ 48LED ☐ 36LED
- DSAP20: ☐ 48LED[1] ☐ 36LED ☐ 20LED

Drive Current:
- ☐ 1050mA[2]
- ☐ 875mA[2]
- ☐ 700mA[2]
- ☐ 525mA
- ☐ 350mA

Color Temp - CCT:
- ☐ NW (4000K)* *Standard
- ☐ CW (5000K)
- ☐ WW (3000K)

Other LED Colors Available Consult Factory

Amber[3]
- ☐ Phosphor Converted Amber PCA[4]
- ☐ True Amber[5] TRA

NOTES:
1 - 875mA maximum
2 - 700mA and 875mA not for use with TRA LED's
3 - Narrow band Ambers have no Definable CCT equivalent
4 - 700mA maximum
5 - Available in 350mA & 525mA drive currents only

Voltage
- ☐ 120
- ☐ 208
- ☐ 240
- ☐ 277
- ☐ 347
- ☐ 480

Mounting
- ☐ XPK
- ☐ XPS
- ☐ XPD
- ☐ 1

Wallmount
- ☐ WM

See USALTG.COM for additional arm styles

Finish

Standard Textured Finish
- ☐ Black RAL-9005-T
- ☐ White RAL-9003-T
- ☐ Grey RAL-7004-T
- ☐ Dark Bronze RAL-8019-T
- ☐ Green RAL-6005-T

For smooth finish replace suffix "T" with suffix "S" (Example: RAL-9500-S)

Consult factor for custom colors

Options
- ☐ Stem Mount + Length(in) (48" Max) SM+L
- ☐ Chain Mount + Length(in) (48" Max) CM+L
- ☐ Internal House Side Shield inc. LED Count (Example: HS-PLED/48) HS-PLED
- ☐ Twist Lock Receptable Only TPR
- ☐ 7-Pin Twist Lock Receptable Only TPR7
- ☐ High-Low Dimming for Switch by Others/Select Levels 50/100 or 25/100 (Example: HLSW/25) HLSW
- ☐ Photo Cell + Voltage (Example: PC120V) PC+V
- ☐ Single Fuse (120V, 277V) SF
- ☐ Double Fuse (208V, 240V) DF
- ☐ Programmable Photo/ Motion Sensor (Factory - Motion 50/100; Photo 75fc) MS-F211
- ☐ Remote Motion Sensor Configurator MS-FC10

DSAP SERIES - PLED

LED/ Electrical Guide (pg. 1)

LED Count	Source Type	Source	Initial Lumens - 4000K CCT	Initial Lumens - 3000K CCT	Initial Lumens - 5000K CCT	L70 greater than (HR)	Starting Temp.	System Watts	Volts	Max Input Amps
DSAP20										
20	LED	20 PLED® Optical Module - 350mA	2842 - 3262	2700 - 3098	2984 - 3424	90,000+	-40°F	22/28	120 277 347	.19/.24 .08/.11 .07/.08
20	LED	20 PLED® Optical Module - 525mA	4042 - 4637	3839 - 4405	4243 - 4868	90,000+	-40°F	33/39	120 277 347	.28/.33 .12/.14 .10/.12
20	LED	20 PLED® Optical Module - 700mA	5083 - 5832	4829 - 5540	5337 - 6123	90,000+	-40°F	44/50	120 277 347	.37/.42 .16/.18 .13/.15
20	LED	20 PLED® Optical Module - 875mA	6108 - 7008	5802 - 6657	6413 - 7358	90,000+	-40°F	56/62	120 277 347	.47/.52 .21/.23 .17/.18
20	LED	20 PLED® Optical Module - 1050mA	7086 - 8131	6732 - 7725	7441 - 8537	90,000+	-40°F	67/73	120 277 347	.56/.61 .25/.27 .20/.21
36	LED	36 PLED® Optical Module - 350mA	5116 - 5871	4860 - 5577	5371 - 6164	90,000+	-40°F	40/46	120 277 347	.34/.39 .15/.17 .12/.14
36	LED	36 PLED® Optical Module - 525mA	7274 - 8346	6910 - 7929	7638 - 8763	90,000+	-40°F	60/66	120 277 347	.50/.55 .22/.24 .18/.20
36	LED	36 PLED® Optical Module - 700mA	9149 - 10497	8691 - 9972	9606 - 11022	90,000+	-40°F	79/85	120 277 347	.66/.71 .29/.31 .23/.25
36	LED	36 PLED® Optical Module - 875mA	10994 - 12614	10444 - 11983	11544 - 13245	90,000+	-40°F	101/107	120 277 347	.85/.90 .37/.39 .30/.31
36	LED	36 PLED® Optical Module - 1050mA	12755 - 14635	12117 - 13903	13392 - 15367	90,000+	-40°F	120/126	120 277 347	1.00/1.05 .44/.46 .35/.37
48	LED	48 PLED® Optical Module - 350mA	6821 - 7827	6480 - 7435	7162 - 8218	90,000+	-40°F	53/59	120 277 347	.45/.50 .20/.22 .16/.17
48	LED	48 PLED® Optical Module - 525mA	9699 - 11128	9214 - 10572	10183 - 11684	90,000+	-40°F	79/85	120 277 347	.66/.71 .29/.31 .23/.25
48	LED	48 PLED® Optical Module - 700mA	12199 - 13398	11589 - 13296	12808 - 14696	90,000+	-40°F	106/112	120 277 347	.89/.94 .39/.41 .31/.33
48	LED	48 PLED® Optical Module - 875mA	14659 - 16819	13926 - 15978	15392 - 17660	90,000+	-40°F	134/140	120 277 347	1.12/1.17 .49/.51 .39/.41
DSAP25										
36	LED	36 PLED® Optical Module - 350mA	5126 - 5882	4870 - 5588	5383 - 6176	90,000+	-40°F	40/46	120 277 347	.34/.39 .15/.17 .12/.14
36	LED	36 PLED® Optical Module - 525mA	7382 - 8470	7013 - 8047	7751 - 8894	90,000+	-40°F	59/65	120 277 347	.50/.55 .23/.24 .17/.19
36	LED	36 PLED® Optical Module - 700mA	9362 - 10742	8894 - 10205	9830 - 11279	90,000+	-40°F	79/85	120 277 347	.66/.71 .29/.31 .23/.25
36	LED	36 PLED® Optical Module - 875mA	10719 - 12298	10183 - 11682	11254 - 12913	90,000+	-40°F	103/109	120 277 347	.86/.91 .38/.40 .30/.32
36	LED	36 PLED® Optical Module - 1050mA	12435 - 14268	11813 - 13554	13057 - 14981	90,000+	-40°F	116/122	120 277 347	.97/1.02 .42/.44 .34/.36
48	LED	48 PLED® Optical Module - 350mA	6835 - 7843	6493 - 7450	7177 - 8235	90,000+	-40°F	53/59	120 277 347	.45/.50 .20/.23 .16/.17

DSAP SERIES - PLED

LED/ Electrical Guide (pg. 2)

LED Count	Source Type	Source	Initial Lumens - 4000K CCT	Initial Lumens - 3000K CCT	Initial Lumens - 5000K CCT	L70 greater than (HR)	Starting Temp.	System Watts	Volts	Max Input Amps
DSAP25										
48	LED	48 PLED® Optical Module - 525mA	9843 - 11294	9351 - 10729	10336 - 11859	90,000+	-40°F	78/84	120 277 347	.65/.70 .29/.31 .23/.25
48	LED	48 PLED® Optical Module - 700mA	12483 - 14323	11859 - 13607	13107 - 15038	90,000+	-40°F	105/111	120 277 347	.88/.93 .38/.40 .31/.32
48	LED	48 PLED® Optical Module - 875mA	14292 - 16397	13577 - 15577	15006 - 17217	90,000+	-40°F	137/143	120 277 347	1.15/1.20 .50/.52 .40/.42
48	LED	48 PLED® Optical Module - 1050mA	16581 - 19024	15752 - 18073	17409 - 19975	90,000+	-40°F	154/160	120 277 347	1.29/1.34 .56/.58 .45/.47
80	LED	80 PLED® Optical Module - 350mA	11392 - 13071	10823 - 12418	11962 - 13724	90,000+	-40°F	88/94	120 277 347	.74/.79 .32/.34 .26/.27
80	LED	80 PLED® Optical Module - 525mA	16406 - 18823	15585 - 17882	17226 - 19765	90,000+	-40°F	130/136	120 277 347	1.09/1.14 .47/.50 .38/.40
80	LED	80 PLED® Optical Module - 700mA	20805 - 23871	19765 - 22678	21845 - 25065	90,000+	-40°F	174/180	120 277 347	1.45/1.50 .63/.65 .50/.52
80	LED	80 PLED® Optical Module - 875mA	23819 - 27329	22628 - 25962	25010 - 28695	90,000+	-40°F	226/232	120 277 347	1.89/1.94 .82/.84 .66/.69
Phosphor Converted Amber LED										
DSAP20										
20	PCA - LED	20 PLED® Optical Module - 350mA	1478 - 1696			51,000+	-40°F	25	120 277 347	.21 .10 .08
20	PCA - LED	20 PLED® Optical Module - 525mA	2102 - 2411			51,000+	-40°F	37	120 277 347	.31 .14 .11
20	PCA - LED	20 PLED® Optical Module - 700mA	2643 - 3033			51,000+	-40°F	50	120 277 347	.42 .18 .15
36	PCA - LED	36 PLED® Optical Module - 350mA	2660 - 3053			51,000+	-40°F	45	120 277 347	.38 .17 .13
36	PCA - LED	36 PLED® Optical Module - 525mA	3783 - 4340			51,000+	-40°F	67	120 277 347	.56 .25 .20
36	PCA - LED	36 PLED® Optical Module - 700mA	4757 - 5459			51,000+	-40°F	89	120 277 347	.75 .33 .26
48	PCA - LED	48 PLED® Optical Module - 350mA	3547 - 4070			51,000+	-40°F	59	120 277 347	.50 .22 .17
48	PCA - LED	48 PLED® Optical Module - 525mA	5043 - 5787			51,000+	-40°F	89	120 277 347	.75 .33 .26
48	PCA - LED	48 PLED® Optical Module - 700mA	6343 - 7278			51,000+	-40°F	118	120 277 347	.99 .43 .34
DSAP25										
36	PCA - LED	36 PLED® Optical Module - 350mA	2666 - 3059			51,000+	-40°F	45	120 277 347	.38 .17 .13
36	PCA - LED	36 PLED® Optical Module - 525mA	3839 - 4405			51,000+	-40°F	66	120 277 347	.56 .24 .19

DSAP SERIES - PLED

LED/ Electrical Guide (pg. 3)

LED Count	Source Type	Source	Initial Lumens - 4000K CCT	Initial Lumens - 3000K CCT	Initial Lumens - 5000K CCT	L70 greater than (HR)	Starting Temp.	System Watts	Volts	Max Input Amps
Phosphor Converted Amber LED										
DSAP25										
36	PCA - LED	36 PLED® Optical Module - 700mA	4868 - 5586			51,000+	-40°F	88	120 277 347	.74 .32 .26
48	PCA - LED	48 PLED® Optical Module - 350mA	3554 - 4078			51,000+	-40°F	59	120 277 347	.50 .22 .17
48	PCA - LED	48 PLED® Optical Module - 525mA	5119 - 5873			51,000+	-40°F	87	120 277 347	.73 .32 .25
48	PCA - LED	48 PLED® Optical Module - 700mA	6491 - 7448			51,000+	-40°F	117	120 277 347	.98 .43 .34
80	PCA - LED	80 PLED® Optical Module - 350mA	11392 - 13071			51,000+	-40°F	98	120 277 347	.82 .36 .29
80	PCA - LED	80 PLED® Optical Module - 525mA	16406 - 18823			51,000+	-40°F	145	120 277 347	1.21 .52 .42
80	PCA - LED	80 PLED® Optical Module - 700mA	20805 - 23871			51,000+	-40°F	195	120 277 347	1.63 .71 .57
True Amber LED - 590nm										
DSAP20										
20	TRA - LED	20 PLED® Optical Module - 350mA	854 - 979			66,500+	-40°F	18	120 277 347	.15 .07 .06
20	TRA - LED	20 PLED® Optical Module - 525mA	1022 - 1172			66,500+	-40°F	26	120 277 347	.22 .10 .08
36	TRA - LED	36 PLED® Optical Module - 350mA	1536 - 1762			66,500+	-40°F	31	120 277 347	.26 .12 .09
36	TRA - LED	36 PLED® Optical Module - 525mA	1838 - 2109			66,500+	-40°F	47	120 277 347	.40 .17 .14
48	TRA - LED	48 PLED® Optical Module - 350mA	2048 - 2350			66,500+	-40°F	41	120 277 347	.35 .15 .12
48	TRA - LED	48 PLED® Optical Module - 525mA	2451 - 2812			66,500+	-40°F	62	120 277 347	.52 .23 .18
DSAP25										
36	TRA - LED	36 PLED® Optical Module - 350mA	1539 - 1766			66,500+	-40°F	31	120 277 347	.26 .12 .09
36	TRA - LED	36 PLED® Optical Module - 525mA	1866 - 2140			66,500+	-40°F	46	120 277 347	.39 .18 .14
48	TRA - LED	48 PLED® Optical Module - 350mA	2053 - 2355			66,500+	-40°F	41	120 277 347	.35 .19 .12
48	TRA - LED	48 PLED® Optical Module - 525mA	2488 - 2854			66,500+	-40°F	61	120 277 347	.51 .22 .18
80	TRA - LED	80 PLED® Optical Module - 350mA	3421 - 3925			66,500+	-40°F	67	120 277 347	.56 .25 .20

DSAP SERIES - PLED

LED/ Electrical Guide (pg. 4)

LED Count	Source Type	Source	Initial Lumens - 4000K CCT	Initial Lumens - 3000K CCT	Initial Lumens - 5000K CCT	L70 greater than (HR)	Starting Temp.	System Watts	Volts	Max Input Amps
True Amber LED - 590nm										
DSAP25										
80	TRA - LED	80 PLED® Optical Module - 525mA	4146 - 4757			66,500+	-40°F	101	120 277 347	.85 .37 .30

NOTES:
1) Max Input Amps is the highest of starting, operating, or open circuit currents
2) System Watts includes the source watts and all driver components.
3) Lumen values for LED Modules vary according to the distribution type
4) For Wattage and Max Input Amps showing two values, use the higher value for luminaires with lit uplight windows (-L & -M)
5) PCA and TRA LED optics not recommended for use with lit uplight window models (-L & -M)
6) Fuse value should be sufficient to protect all wiring components. For electronic driver and LED component protection, use 20KV surge suppressors.
7) L70(10K) – TM-21 6x rule applied

WARNING: All fixtures must be installed in accordance with local codes or the National Electrical Code. Failure to do so may result in serious personal injury.

REVISIONS

NO.	DATE	DESCRIPTION

G MEP ENGINEERS
26439 Rancho Pkwy. S., Ste 120
Lake Forest, CA 92630
Tel: 949-267-9095

PROJECT NAME: WATSONVILLE ROAD MORGAN HILL, CA

Attachment: Photometric Plan (3145 : Watsonville-Hordness (Royal Oaks Village))

SHEET TITLE: ELECTRICAL LIGHT FIXTURE SPECS

DRAWN GMEP
CHECKED GMEP
DATE 10/07/20
SCALE AS NOTED
JOB NO. 20-455
SHEET E-2.0

LITHONIA LIGHTING®

Catalog Number	
Notes	
Type	C (Carport)

LED Enclosed and Gasketed

DMW2

FEATURES & SPECIFICATIONS

INTENDED USE —For areas that require good vertical illumination and excellent glare control at low mounting heights. Ideal for open areas, retail spaces and aisles. Not for use or installation in direct outdoor sunlight. Must be installed under canopy or covered ceiling. For direct sunlight installations, please refer to the FEX product family. **Certain airborne contaminants can diminish the integrity of acrylic and/or polycarbonate. Click here for Acrylic-Polycarbonate Compatibility table for suitable uses.**

Certain airborne contaminants may adversely affect the functioning of LEDs and other electronic components, depending on various factors such as concentrations of the contaminants, ventilation, and temperature at the end-user location. Click here for a list of substances that may not be suitable for interaction with LEDs and other electronic components.

CONSTRUCTION — One-piece SVA rated fiberglass housing with integral perimeter channel utilizes continuous poured-in-place NEMA 4X gasket. Simple two-piece design consists of housing and optical assembly to streamline installation process. Polymeric latches positively attach to housing and keep from becoming a hindrance during install.

OPTICS —Injection-molded, acrylic lens (.080" thick), provides high impact-resistance comparable to 100% DR. F1 rated for outdoor use, lenses resist breaking, yellowing or becoming brittle over time. UV stabilized polycarbonate diffuser available (.080" thick) in clear or frosted for additional impact strength. Polycarbonate lens is recommend for lower mounting heights where vandal protection is desired.

ELECTRICAL — Tool-less one piece optical assembly combines LEDs and lens into one component. Optical assembly easily connects to housing with plug and play harness, eliminating time consuming wiring connections. High-efficiency drivers operate 120-480V offered with 0-10V dimming, allowing granular control when coupled with wireless networking controls. Luminaire Surge Protection Level: Designed to withstand up to 2.5kV/0.75kA per ANSI C82.77-5-2015.

L85 at 60,000 hours.

INSTALLATION — Two-piece design makes installations faster than ever by simplifying wiring connections. Power connection is easily accommodated through pre-drilled holes at each end, optional wet location fittings available for maximum flexibility.

Stainless steel (#316) surface spring-mounting brackets with ball wires standard (2 included) allow for ceiling, wall or suspended mount.

Swivel stem(provided by others) when pendant mounting. Factory installed junction box option accommodates up to 4X4 sized boxes and includes integrated gasket to maintain wet location listings.

Quick Mount Bracket (QMB) ships installed on fixture and is recommended for fastest surface mount installs, ideal for end to end installations or larger jobs.

LISTINGS — CSA Certified to UL and C-UL standards. NEMA 4X rated. IP ratings: IP65 and IP66 rated. See page 3 for ambients.

NSF listed for Splash Zone II.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

WARRANTY — 5-year limited warranty. Complete warranty terms located at:
www.acuitybrands.com/resources/terms-and-conditions

Note: Actual performance may differ as a result of end-user environment and application.
All values are design or typical values, measured under laboratory conditions at 25 °C.
Specifications subject to change without notice.

A+ Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and out-of-the-box control compatibility with simple commissioning.

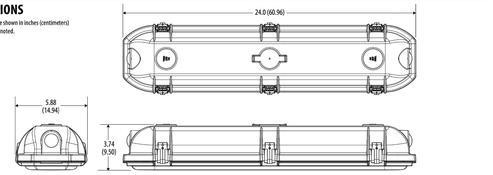
- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is part of an A+ Certified solution for nLight® or XPoint™ Wireless control networks marked by a shaded background*

To learn more about A+, visit www.acuitybrands.com/aplus.

*See ordering tree for details

DIMENSIONS

All dimensions are shown in inches (centimeters) unless otherwise noted.



PHOTOMETRICS

Please see www.lithonia.com.

DMW2 LED Wet Location

A+ Capable options indicated by this color background.

ORDERING INFORMATION Lead times will vary depending on options selected. Consult with your sales representative. **Example:** DMW2 L24 4000LM PCL MD MVOLT GZ10 40K 80CRI

Series[1]	Length	Nominal lumens	Diffuser	Distribution	Voltage	Driver	Color temperature	Color rendering index
DMW2 LED wet location	L24 24"	2000LM 2,000 lumens 3000LM 3,000 lumens 4000LM 4,000 lumens	ACL Acrylic AFL Frosted acrylic PCL Polycarbonate PFL Frosted Polycarbonate	MD Medium distribution WD Wide distribution	MVOLT 120-277V 120 120V 208 208V 240 240V 277 277V 347 347V[1] 480 480V[1]	GZ10 0-10V Dimming	30K 3000 K 35K 3500 K 40K 4000 K 50K 5000 K	80CRI 80 CRI 90CRI 90 CRI

Options			
PS1050	Emergency LED battery pack for 0°C and up (1400 lumens), 10W, CA Title 20 noncompliant [2]	CS88	6' Brad Harrison 16/3 cord and straight blade plug set, NEMA 4X rated [6]
E10WCP	EM Self-diagnostics battery pack, 10W, Constant Power Certified in CA Title 20 MAEDBS [2]	CS88L12	12' Brad Harrison 16/3 cord and straight blade plug set, NEMA 4X rated [6]
PMP4X	Pendant monopoint with NEMA4X fitting (not available with JSB option)[3,4]	CS88R	Brad Harrison receptacle, NEMA 4X rated [9]
WLFEND	Wet location fitting (one fitting out end)[3]	NOM	Nom certified
WLFEND2	Wet location fitting (fittings out both ends)[3]	TP5	Torx T10 tamper-resistant screws
JSB	Junction box snap-bracket[3]	STSL	Stainless steel latches
QMB	Quick-mount ceiling bracket[3]	SPD	10KV surge protection device [10]
CS89	6' white cord, 16/3, no plug, wet location[6]		
CS89L12	12' white cord, 16/3, no plug, wet location[6]		

MS10IOKAWL10M DSCKAWL	XpointIO wireless integral motion sensor, On/Off operation for motion sensing, override Off due to daylight[11]		
MS10INWL	Low mount 360 integral motion sensor, wet location, On/Off operation[11]		
MS102L3VWL	Low mount 360 integral motion sensor, wet location, High/Low operation (3 level)[12]		
MS10INWL DSCNWL	low mount 360 integral motion sensor, wet location , On/Off operation for motion sensing, override Off due to daylight[11]		
XAD	XPoint wireless relay[12]		
NLTAIR2 RSBOR10	nLight AIR Generation 2 enabled 360° low mount motion sensor[12]		

Accessories: *Order as separate catalog number.*	
RK1 T10BIT W/PIN U	Hex-base driver bit, Torx TX10, for tamper-resistant screws with center reject pin
DMW2WLF	Wet location fitting
DMW2QMB	Quick-mount ceiling bracket

Notes
1. Plastic latches supplied as standard. Provided with 2X KO plugs at both ends
2. Not available with XAD, JSB, PMP4X mounting options. Not available with CS88 cord sets or CS88R receptacle. Must specify voltage. Not available with 347, 480V. Maximum ambient temperature 25°C.
3. Not for field install.
4. Not available with PS1050 option. Not available with QMB, JSB mounting options.
5. Not available with WLFEND2. Not available with PS1050. Not available with corbsets or sensors.
6. Not available with WLFEND, PS1050, CS cord sets, or MSI sensors
7. Not available with other mounting options
8. Not available with other cord sets. Not available with PS1050 option.
9. Receptacle only. Not available with PS1050.
10. Not available with PS1050, XAD, SBOR & RSBOR.
11. Not available with other external MSI sensors, WLFEND2, XAD. Must specify voltage.
12. Not available with external MSI sensors. Not available with PS1050 option. Must specify voltage. Minimum ambient temperature -20°C.
13. Not available with other external MSI sensors, WLFEND2, XAD

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DMW2 LED Wet Location

OPERATIONAL DATA (80 CRI*)

Package	Input Wattage	CCT	AFL Lumens (LPW)	ACL Lumens (LPW)	Comparable Light Source
2000LM	18	30K	2419 (134)	2419 (134)	1-32T8 lamp
		35K	2481 (138)	2556 (142)	
		40K	2536 (141)	2612 (145)	
		50K	2661 (148)	2740 (152)	
3000LM	27	30K	3483 (129)	3587 (133)	2-32T8 lamps
		35K	3572 (132)	3680 (136)	
		40K	3651 (135)	3761 (139)	
		50K	3831 (142)	3946 (146)	
4000LM	40	30K	4631 (116)	4770 (119)	3-32T8 Lamps, 2-54T5HO lamps
		35K	4751 (119)	4893 (122)	
		40K	4855 (121)	5001 (125)	
		50K	5094 (127)	5247 (131)	

CSA LISTED AMBIENT RATING*

Package	Bare Fixture	X-Point/Sensor	Emergency
2000LM	40°C	35°C	0 to 25°C
3000LM	40°C	35°C	0 to 25°C
4000LM	-40 to 40°C	35°C	0 to 25°C

*Minimum Ambient is -20°C unless noted.
** Suspended 18" from ceiling.

OPTIONS AND ACCESSORIES

The DMW2 Series fixture offers numerous options for almost every electrical and optical component, including a long list of field-installable accessories.

SMB
Surface mounting bracket
(ships standard with fixture)

QMB
Quick mounting bracket
field installable option order as DMW2QMB

JSB
Junction mounting bracket
(factory installed only)
(Not intended for wall mounting.
Voids IP65 rating.)

PMP4X
Pendant monopoint
(factory installed only)

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DMW2 LED Wet Location

OPTIONS AND ACCESSORIES

The DMW2 Series fixture offers numerous options for almost every electrical and optical component, including a long list of field-installable accessories.

rSBOR/SBOR – Fixture Mount Sensor (see www.sensorswitch.com for additional information)
- 360° coverage
- On/Off dim
- Photocell optional
- IP66 rated
- Photocell and 0-10VDC dimming options.

Fixture sensor nomenclature	RSBOR/SBOR sensor nomenclature
For shortest lead times use one of the following SBOR configurations	
NLTAIR2 RSBOR10	RSBOR 10 EB4 WH GZ
MS10NWL	SBOR 10 OEX EB4 WH
MS102L3VWL	SBOR 10 OEX D EB4 WH 3V
MS10NWL DSCNWL	SBOR 10 OEX P EB4 WH

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REVISIONS

NO.	DATE	DESCRIPTION

GMEP ENGINEERS
26439 Rancho Pkwy, S, Ste 120
Lake Forest, CA 92630
Tel: 949-267-9095

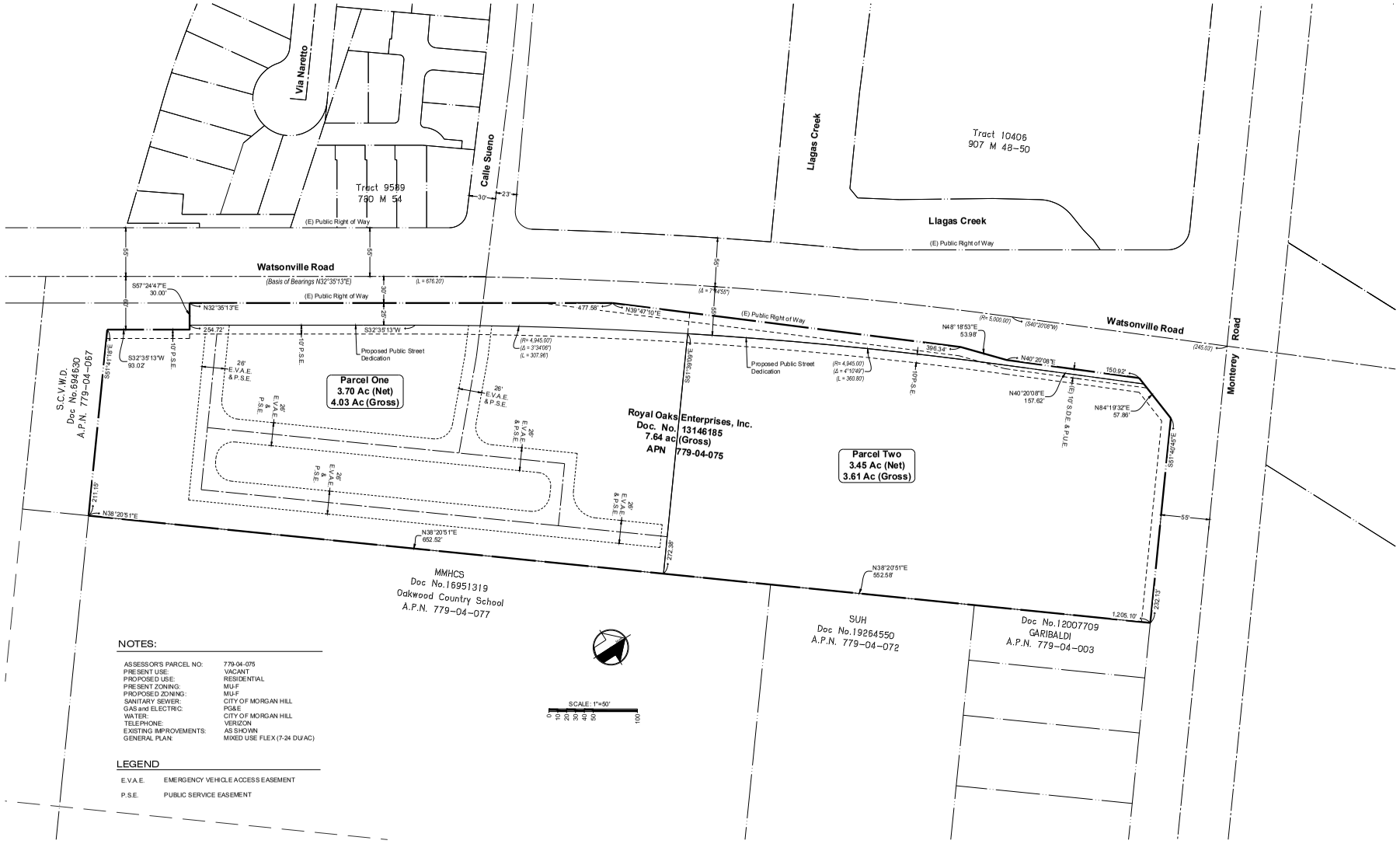
PROJECT NAME:
WATSONVILLE ROAD
MORGAN HILL, CA

SHEET TITLE
ELECTRICAL
LIGHT FIXTURE SPECS

DRAWN GMEP
CHECKED GMEP
DATE 10/07/20
SCALE AS NOTED
JOB NO. 20-455
SHEET
E-2.1

Attachment: Photometric Plan (3145 : Watsonville-Hordness (Royal Oaks Village)

Attachment: Tentative Parcel Map (3145 : Watsonville-Hordness (Royal Oaks Village))



NOTES:

ASSESSOR'S PARCEL NO:	779-04-075
PRESENT USE:	VACANT
PROPOSED USE:	RESIDENTIAL
PRESENT ZONING:	MU-F
PROPOSED ZONING:	MU-F
SANITARY SEWER:	CITY OF MORGAN HILL
GAS and ELECTRIC:	PG&E
WATER:	CITY OF MORGAN HILL
TELEPHONE:	VERIZON
EXISTING IMPROVEMENTS:	AS SHOWN
GENERAL PLAN:	MIXED USE FLEX (7-24 DU/AC)

LEGEND

E.V.A.E.	EMERGENCY VEHICLE ACCESS EASEMENT
P.S.E.	PUBLIC SERVICE EASEMENT

Royal Oak Village

Tentative-Parcel Map

LICENSED LAND SURVEYOR HANS HUSTE STRONG No. 8347 STATE OF CALIFORNIA

MH engineering Co.
16075 Vineyard Boulevard Morgan Hill, CA 95037

DATE: 01/2021 DRAWN: MM CHECKED: HS

Sheet 1 of 1
220034

L:\Projects\Harry\220034 Uhl-Watsonville Road\DWG\220034-Tentative-Parcel Map Page 1 of 1.dwg - 01/04/2021 2:02pm - Plotted 01/04/2021 2:03pm by harry

CITY OF MORGAN HILL

PLANNING DIVISION

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: July 7, 2021

Application #s: SR2020-0023/SD2020-0008/EA2020-0016

APN: 779-04-075

Project Title: Royal Oak Village Project

Project Location: 15440 Monterey Road
Morgan Hill, CA 95037

Project Proponent: A0702 Morgan Hill L.P.
2000 E. Fourth Street, Ste 205
Santa Ana, CA 92705

Project Description: The Royal Oak Village Project (proposed project) would include demolition of the existing on-site structures and redevelopment of the site with 73 multi-family residential units distributed throughout three, three-story buildings (Building A, Building B, and Building B2). The proposed project would be an affordable housing project that would include six, one-bedroom units, 38, two-bedroom units, and 29, three-bedroom units for low-income families. With respect to amenities, the proposed project would include a clubhouse, green spaces, a dog park, and a tot-lot. The proposed project would also include widening of and other associated off-site improvements to both Watsonville Road and Monterey Road. The widening would include curb and gutter improvements, new storm drainage infrastructure, and new sidewalk. Additionally, the off-site improvements to Watsonville Road would include a bike lane, a meandering pathway, medians, and new signing and striping.

The proposed project would require the following City approvals:

- Parcel Map;
- Conditional Use Permit to reduce parking lot landscaping;
- Design Review Permit; and
- Demolition Permit.

II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may

Attachment: Royal Oak Village MND (3145 : Watsonville-Hordness (Royal Oaks Village))

have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures will be included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

III. MITIGATION AND AVOIDANCE MEASURES

A. Biological Resources

IV-1. *To the maximum extent practicable, the removal of trees and shrubs and demolition of buildings shall occur during the non-breeding season (September 1 through January 31). If tree removal or building demolition cannot be avoided during the breeding season (February 1 through August 31), pre-construction surveys shall be conducted by a qualified biologist during the breeding season for tree-nesting raptors and other migratory birds less than 14 days prior to the onset of such construction-related disturbances. The pre-construction survey shall include all trees, large shrubs, buildings, or other areas of potential nesting habitat within the project footprint and, where possible, within 250 feet of the footprint. If active nests are deemed absent from the area, then further mitigation measures are not required, and ground disturbance or construction could occur within 14 days following the survey. Pre-construction surveys and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of grading permit or issuance of building permit.*

IV-2. *If nesting raptors or other migratory birds are detected on the site during the survey, a suitable disturbance-free buffer of up to 500 feet shall be established around all active nests. The precise dimension of the buffer would be determined at that time and may vary depending on factors such as location, species, topography, and line of sight to the construction area. The buffer area(s) shall be enclosed with temporary fencing, and equipment and workers shall not enter the enclosed buffer areas. Typical buffers range between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. Buffers shall remain in place for the duration of ground disturbing activities, the breeding season, or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents, whichever occurs first.*

IV-3. *Pre-construction surveys are required to ascertain whether burrowing owls occupy burrows on or adjacent to the site. A minimum of two surveys are required, with the first survey to occur up to 14 days prior to initial construction activities (e.g., vegetation removal, grading, or excavation) and the second survey to occur within two days prior to initial construction activities. If burrowing owls or evidence of burrowing owls are not observed during pre-construction surveys, construction may proceed. If burrowing owls or their recent sign are observed during the surveys,*

Attachment: Royal Oak Village MND (3145 : Watsonville-Hordness (Royal Oaks Village))

occupied burrows shall be identified by the monitoring biologist and appropriate construction-free buffers, as described below, shall be established:

- *A 250-foot non-disturbance buffer shall be established around all active burrowing owl burrows or nest sites, as identified and defined by a qualified biologist. If the biologist determines that a nest is vacant, the non-disturbance buffer zone around that nest may be removed. The SCVHP specifies that a vacation from the site for a week or more by a burrowing owl, as determined by a qualified biologist, would constitute a voluntary relocation by the owl, and the qualified biologist could then take measures to collapse suitable burrows of the site to discourage reoccupation. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies (SCVHP, Chapter 6, Condition 15). For permission to encroach within 250 feet of such burrows during the nesting season (February 1 through August 31), an Avoidance, Minimization, and Monitoring Plan shall be prepared and approved by the City of Morgan Hill Development Services Department and Wildlife Agencies prior to such encroachment.*
- *Should a burrowing owl be overwintering or nesting on-site in the non-breeding season (September 1 through January 31), construction activities shall not be allowed within the 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to:*
    - *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 owl during construction and does not find a change in owl foraging behavior in response to construction activities;*
    - *If a change in owl nesting and foraging behavior occur because of construction activities, the construction activities shall cease within the 250-foot buffer; and*
    - *If the owls are gone for at least one week, the project proponent may request approval from the City of Morgan Hill Development Services Department 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.*

IV-4. *The SCVHP prohibits the passive relocation or exclusion of burrowing owls until a positive regional growth trend is achieved, as defined in Section 5.4.6 of the SCVHP; however, a project may qualify for an exception to this prohibition. Permission to engage in passive relocation during the non-breeding season shall be requested through the standard application process (Section 6.8 of the SCVHP). Application for an exception would require additional information, including a relocation plan and documentation by a qualified biologist that owls have occupied the site for the full year without vacating the site for 10 or more consecutive days. The application would need to be submitted to the City of Morgan Hill Development Services Department, and the Wildlife Agencies would then evaluate the application and decide if an exception should be granted. If passive relocation is approved, additional measures may be required by the City of Morgan Hill Development Services Department.*

Attachment: Royal Oak Village MND (3145 : Watsonville-Hordness (Royal Oaks Village))

IV-5. *A habitat assessment shall be conducted prior to demolition by a qualified biologist to identify buildings on-site that could be suitable for roosting bats. If the habitat assessment does not find suitable roosting habitat, further mitigation is not required. If the habitat assessment finds that suitable roosting habitat is present, a bat survey shall be conducted by a qualified bat biologist within 30 days of building demolition to determine if bats are roosting or breeding in the buildings. Additionally, an emergency survey may be required for areas that cannot be surveyed directly. The surveys shall be conducted during times of the year when bats are active (March 1 through August 15). The habitat assessment, surveys, and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of a demolition permit.*

IV-6. *If a maternity colony is found on the site, then a construction-free buffer up to 100 feet shall be established around the colony by a qualified biologist. The size of the buffer shall be determined by the biologist depending on factors such as the type of construction-related activity to occur and its proximity to the maternity colony. The buffer shall remain in place until the biologist determines that the nursery is not active.*

IV-7. *If a bat colony is found on the site during the overwintering season (i.e., October 15 through March 1), demolition shall be delayed until after March 1 or until a qualified biologist determines that bats are absent.*

IV-8. *If a non-breeding bat colony is found in buildings to be demolished, the individuals shall be humanely evicted by way of a two-step, partial dismantlement of the buildings prior to demolition. The eviction shall be conducted under the direction and supervision of a qualified biologist to ensure that harm or take would not occur to any bats as a result of demolition activities.*

IV-9. *The removal of Ordinance Sized Trees shall be avoided and preserved to the maximum extent feasible, as determined by the City of Morgan Hill Development Services Director. If Ordinance Sized Trees cannot be avoided during construction, the project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, by providing an on-site replacement planting program at a minimum 1:1 ratio with 24-inch box sized trees. The City shall condition the project to replace the oaks at a 2:1 ratio. Replacement shall be overseen and verified by a qualified arborist and the City of Morgan Hill. The detailed replacement program shall be submitted to the City of Morgan Hill Development Services Director for approval prior to issuance of a grading permit.*

IV-10. *For the Ordinance Sized Trees to be preserved as part of the project, the project applicant shall include a Tree Preservation Plan, which shall be noted on Improvement Plans, subject to review and approval by the City of Morgan Hill Development Services Department prior to issuance of a grading permit. The measures identified within the Tree Preservation and Protection Plan shall remain in place for the duration of construction activities. Following Tree Preservation Measure may include:*

- *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*

Attachment: Royal Oak Village MND (3145 : Watsonville-Hordness (Royal Oaks Village))

be avoided, roots encountered (over one inch 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. Avoid tearing, or otherwise disturbing that portion of the root(s) to remain.

- *Construct a temporary fence as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. Post no parking or storage signs outside/on fencing. Do not attach posting to the main stem of the tree.*
- *Do not allow vehicles, equipment, pedestrian traffic; building materials or debris storage; or disposal of toxic or other materials inside of the fenced off area.*
- *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.*
- *Mulch rooting area with an acidic, organic compost or mulch.*
- *Arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as they occur, or as appropriate.*
- *Individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within these general guidelines.*

B. Geology and Soils

VII-1. *All grading and foundation plans for the development shall be designed by a civil and structural engineer and reviewed and approved by the City Engineer, Chief Building Official, and a qualified geotechnical engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the geotechnical report prepared for the proposed project by Geo-Logic Associates are properly incorporated and used in the project design.*

C. Hazards and Hazardous Materials

IX-1. *Prior to issuance of a demolition permit for any structure at the site, the project applicant shall provide the City of Morgan Hill Development Services Department a detailed assessment pertaining to the potential presence of lead-based paint-containing materials in existing all structures that may be scheduled for demolition. If structures do not contain lead-based paint, further mitigation is not required; however, if lead-based paint is found, Mitigation Measure IX-2 shall be implemented.*

IX-2. *Prior to issuance of a demolition permit by the City for the existing structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the*

Attachment: Royal Oak Village MND (3145 : Watsonville-Hordness (Royal Oaks Village))

buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Building Official. Proof of removal shall be submitted to the City of Morgan Hill Development Services Department prior to issuance of a demolition permit.

IX-3. *Following demolition and prior to issuance of a grading permit, a sampling grid shall be superimposed and discrete shallow samples shall be collected at points currently under building foundations. The samples shall be tested for chlordane and/or DDT isomers to determine whether Regional Water Quality Control Board Environmental Screening Levels (ESLs) are exceeded in any samples. The applicant shall submit a report to the Development Services Department for review and approval that includes, but is not limited to, sampling activities performed, relevant ESLs for identified contaminants, summary of contaminated concentrations, and locations where ESLs are exceeded, if any. If ESLs are exceeded in on-site soils, the impacted areas shall be removed and properly disposed of under oversight by the Santa Clara County Department of Environmental Health (SCCDEH) prior to issuance of a grading permit; and proof of remediation under SCCDEH oversight shall be provided to the City of Morgan Hill Development Services Department prior to grading. For larger quantities of soils that are non-hazardous, subject to approval by the Morgan Hill Development Services Department, such soils may generally be placed under interior roads, parking areas, or buildings during normal grading operations, and verification of proper handling and disposal.*

D. Noise

XIII-1. *Noise-generating construction activities associated with the proposed project and intersection improvements 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 issuance of a grading permit by the City of Morgan Hill Development Services Department.*

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.*

Attachment: Royal Oak Village MND (3145 : Watsonville-Hordness (Royal Oaks Village))

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

E. Transportation

XVII-1. *Prior to issuance of grading permit, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City of Morgan Hill. The plan shall include the following:*

- *A project staging plan to maximize on-site storage of materials and equipment;*
- *A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes;*
- *Provisions for maintaining adequate emergency access to the project site;*
- *Permitted construction hours;*
- *Designated locations for construction staging areas;*
- *Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and*
- *Provisions for street sweeping to remove construction-related debris on public streets.*

III. FINDING

The City of Morgan Hill hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study will reduce the impacts to a less-than-significant level.

_____ _____

Jennifer Carman, Development Services Director Date

Attachment: Royal Oak Village MND (3145 : Watsonville-Hordness (Royal Oaks Village))

MITIGATION MONITORING AND REPORTING PROGRAM
ROYAL OAK VILLAGE
MORGAN HILL, CALIFORNIA

Prepared for the:

CITY OF MORGAN HILL

Community Development Department
17575 Peak Avenue
Morgan Hill, CA 95037
408.778.6480

Prepared by:

Raney Planning & Management, Inc.
1501 Sports Drive, Suite A
Sacramento, CA 95834

August 2021

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The City of Morgan Hill, as Lead Agency under the California Environmental Quality Act (CEQA) and State CEQA Guidelines, has prepared the Final Mitigated Negative Declaration (MND) for the Royal Oak Village Project (proposed project). When a lead agency makes findings on significant effects identified in an MND, it must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval (Public Resources Code [PRC] Section 21081.6[a]; State CEQA Guidelines Sections 15091[d], 15097).

This document represents the mitigation monitoring and reporting program (MMRP) prepared by the City of Morgan Hill for the proposed project. This MMRP 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 mitigation measures, timing, and responsibility are summarized in Table 1, and the full text of the mitigation measures follows. The implementation and monitoring of the mitigation measures, in conjunction with the implementation of the City's Standard Measures required for such projects, will ensure the reduction of potentially significant environmental effects to less-than-significant levels.

This MMRP has been prepared by the City of Morgan Hill, with technical assistance from Raney Planning & Management, Inc., an environmental consulting firm. Questions should be directed to Gina Paolini, Principal Planner, at the City of Morgan Hill.

Contact Information:

City of Morgan Hill
Community Development Department
17575 Peak Avenue
Morgan Hill, CA 95037
408.778.6480

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
Prior to Construction			
BIO-1 (IV-1): To the maximum extent practicable, the removal of trees and shrubs and demolition of buildings shall occur during the non-breeding season (September 1 through January 31). If tree removal or building demolition cannot be avoided during the breeding season (February 1 through August 31), pre-construction surveys shall be conducted by a qualified biologist during the breeding season for tree-nesting raptors and other migratory birds less than 14 days prior to the onset of such construction-related disturbances. The pre-construction survey shall include all trees, large shrubs, buildings, or other areas of potential nesting habitat within the project footprint and, where possible, within 250 feet of the footprint. If active nests are deemed absent from the area, then further mitigation measures are not required, and ground disturbance or construction could occur within 14 days following the survey. Pre-construction surveys and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of grading permit or issuance of building permit.	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	If tree removal or demolition cannot be avoided during the breeding season (February 1 through August 31), surveys shall be conducted less than 14 days prior to ground disturbance.
BIO-2 (IV-2): If nesting raptors or other migratory birds are detected on the site during the survey, a suitable disturbance-free buffer of up to 500 feet shall be established around all active nests. The precise dimension of the buffer would be determined at that time and may vary depending on factors such as location, species, topography, and line of sight to the construction area. The buffer area(s) shall be enclosed with temporary fencing, and equipment and workers shall not enter the enclosed buffer areas. Typical buffers range between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	If nesting raptors or other migratory birds are detected on the site during the pre-construction survey.

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. Buffers shall remain in place for the duration of ground disturbing activities, the breeding season, or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents, whichever occurs first.			
BIO-3 (IV-3): Pre-construction surveys are required to ascertain whether burrowing owls occupy burrows on or adjacent to the site. A minimum of two surveys are required, with the first survey to occur up to 14 days prior to initial construction activities (e.g., vegetation removal, grading, or excavation) and the second survey to occur within two days prior to initial construction activities. If burrowing owls or evidence of burrowing owls are not observed during pre-construction surveys, construction may proceed. If burrowing owls or their recent sign are observed during the surveys, occupied burrows shall be identified by the monitoring biologist and appropriate construction-free buffers, as described below, shall be established: • A 250-foot non-disturbance buffer shall be established around all active burrowing owl burrows or nest sites, as identified and defined by a qualified biologist. If the biologist determines that a nest is vacant, the non-disturbance buffer zone around that nest	Project Applicant with a Qualified Biologist and Construction Contractor	City of Morgan Hill Development Services Department Wildlife Agencies	Up to 14 days prior to initial construction activities and within two days prior to initial construction activities.

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
may be removed. The SCVHP specifies that a vacation from the site for a week or more by a burrowing owl, as determined by a qualified biologist, would constitute a voluntary relocation by the owl, and the qualified biologist could then take measures to collapse suitable burrows of the site to discourage reoccupation. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies (SCVHP, Chapter 6, Condition 15). For permission to encroach within 250 feet of such burrows during the nesting season (February 1 through August 31), an Avoidance, Minimization, and Monitoring Plan shall be prepared and approved by the City of Morgan Hill Development Services Department and Wildlife Agencies prior to such encroachment. • Should a burrowing owl be overwintering or nesting on-site in the non-breeding season (September 1 through January 31), construction activities shall not be allowed within the 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to: o A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction); o The same qualified biologist monitors the owl during construction and does not find a			

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
change in owl foraging behavior in response to construction activities; o If a change in owl nesting and foraging behavior occur because of construction activities, the construction activities shall cease within the 250-foot buffer; and o If the owls are gone for at least one week, the project proponent may request approval from the City of Morgan Hill Development Services Department 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.			
BIO-4 (IV-4): The SCVHP prohibits the passive relocation or exclusion of burrowing owls until a positive regional growth trend is achieved, as defined in Section 5.4.6 of the SCVHP; however, a project may qualify for an exception to this prohibition. Permission to engage in passive relocation during the non-breeding season shall be requested through the standard application process (Section 6.8 of the SCVHP). Application for an exception would require additional information, including a relocation plan and documentation by a qualified biologist that owls have occupied the site for the full year without vacating the site for 10 or more consecutive days. The application would need to be submitted to the City of Morgan Hill Development Services Department, and the Wildlife Agencies would then evaluate the application and decide if an exception should be granted. If passive relocation is approved, additional measures may be	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department Wildlife Agencies	If passive relocation during the non-breeding season is necessary and/or if burrowing owls are detected on-site during pre-construction surveys.

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
required by the City of Morgan Hill Development Services Department.			
BIO-5 (IV-5): A habitat assessment shall be conducted prior to demolition by a qualified biologist to identify buildings on-site that could be suitable for roosting bats. If the habitat assessment does not find suitable roosting habitat, further mitigation is not required. If the habitat assessment finds that suitable roosting habitat is present, a bat survey shall be conducted by a qualified bat biologist within 30 days of building demolition to determine if bats are roosting or breeding in the buildings. Additionally, an emergency survey may be required for areas that cannot be surveyed directly. The surveys shall be conducted during times of the year when bats are active (March 1 through August 15). The habitat assessment, surveys, and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of a demolition permit.	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	Prior to demolition.
BIO-6 (IV-6): If a maternity colony is found on the site, then a construction-free buffer up to 100 feet shall be established around the colony by a qualified biologist. The size of the buffer shall be determined by the biologist depending on factors such as the type of construction-related activity to occur and its proximity to the maternity colony. The buffer shall remain in place until the biologist determines that the nursery is not active.	Project Applicant with a Qualified Biologist and Construction Contractor	City of Morgan Hill Development Services Department	During construction, if a special-status bat species maternity colony is found on the project site during a habitat assessment.
BIO-7 (IV-7): If a bat colony is found on the site during the overwintering season (i.e., October 15 through March 1), demolition shall be delayed until after March 1 or until a qualified biologist determines that bats are absent.	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	Prior to demolition, if a bat colony is found on the site during the overwintering season (October 15 through March 1).

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
BIO-8 (IV-8): If a non-breeding bat colony is found in buildings to be demolished, the individuals shall be humanely evicted by way of a two-step, partial dismantlement of the buildings prior to demolition. The eviction shall be conducted under the direction and supervision of a qualified biologist to ensure that harm or take would not occur to any bats as a result of demolition activities.	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Director	Prior to demolition, if a non-breeding bat colony is found in buildings to be demolished.
BIO-9 (IV-9): The removal of Ordinance Sized Trees shall be avoided and preserved to the maximum extent feasible, as determined by the City of Morgan Hill Development Services Director. If Ordinance Sized Trees cannot be avoided during construction, the project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, by providing an on-site replacement planting program at a minimum 1:1 ratio with 24-inch box sized trees. The City shall condition the project to replace the oaks at a 2:1 ratio. Replacement shall be overseen and verified by a qualified arborist and the City of Morgan Hill. The detailed replacement program shall be submitted to the City of Morgan Hill Development Services Director for approval prior to issuance of a grading permit.	Project Applicant with a Qualified Arborist	City of Morgan Hill Development Services Director	Prior to the issuance of a grading permit.
BIO-10 (IV-10): For the Ordinance Sized Trees to be preserved as part of the project, the project applicant shall include a Tree Preservation Plan, which shall be noted on Improvement Plans, subject to review and approval by the City of Morgan Hill Development Services Department prior to issuance of a grading permit. The measures identified within the Tree Preservation and Protection Plan shall remain in place for the duration of construction activities. Following Tree Preservation Measure may include:	Project Applicant with a Construction Contractor	City of Morgan Hill Development Services Department	Noted on Improvement Plans prior to the issuance of a grading permit.

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
• 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 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. Avoid tearing, or otherwise disturbing that portion of the root(s) to remain. • Construct a temporary fence as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. Post no parking or storage signs outside/on fencing. Do not attach posting to the main stem of the tree. • Do not allow vehicles, equipment, pedestrian traffic; building materials or debris storage; or disposal of toxic or other materials inside of the fenced off area. • 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			

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
than six pounds of actual nitrogen per 1,000 square feet of accessible drip line area or beyond. • Mulch rooting area with an acidic, organic compost or mulch. • Arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as they occur, or as appropriate. • Individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within these general guidelines.			
GEO-1 (VII-1): All grading and foundation plans for the development shall be designed by a civil and structural engineer and reviewed and approved by the City Engineer, Chief Building Official, and a qualified geotechnical engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the geotechnical report prepared for the proposed project by Geo-Logic Associates are properly incorporated and used in the project design.	Project Applicant with a Civil and Structural Engineer	City of Morgan Hill Development Services Department City Engineer Chief Building Official Qualified Geotechnical Engineer	Prior to the issuance of grading and building permits.
HAZ-1 (IX-1): Prior to issuance of a demolition permit for any structure at the site, the project applicant shall provide the City of Morgan Hill Development Services Department a detailed assessment pertaining to the potential presence of lead-based paint-containing materials in existing all structures that may be scheduled for demolition. If structures do not contain lead-based paint, further mitigation is not required; however, if lead-based paint is found, Mitigation Measure IX-2 shall be implemented.	Project Applicant	City of Morgan Hill Development Services Department	Prior to the issuance of a demolition permit.

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
HAZ-2 (IX-2): Prior to issuance of a demolition permit by the City for the existing structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Building Official. Proof of removal shall be submitted to the City of Morgan Hill Development Services Department prior to issuance of a demolition permit.	Project Applicant with a Licensed and Certified Lead Paint Removal Contractor	City of Morgan Hill Development Services Department City Building Official	Prior to the issuance of a demolition permit.
HAZ-3 (IX-3): Following demolition and prior to issuance of a grading permit, a sampling grid shall be superimposed and discrete shallow samples shall be collected at points currently under building foundations. The samples shall be tested for chlordane and/or DDT isomers to determine whether Regional Water Quality Control Board Environmental Screening Levels (ESLs) are exceeded in any samples. The applicant shall submit a report to the Development Services Department for review and approval that includes, but is not limited to, sampling activities performed, relevant ESLs for identified contaminants, summary of contaminated concentrations, and locations where ESLs are exceeded, if any. If ESLs are exceeded in on-site soils, the impacted areas shall be removed and properly disposed of under oversight by the Santa Clara County Department of Environmental Health (SCCDEH) prior to issuance of a grading permit; and proof of remediation under SCCDEH oversight shall be provided to the City of Morgan Hill	Project Applicant	City of Morgan Hill Development Services Department SCCDEH	Following demolition and prior to the issuance of a grading permit.

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
Development Services Department prior to grading. For larger quantities of soils that are non-hazardous, subject to approval by the Morgan Hill Development Services Department, such soils may generally be placed under interior roads, parking areas, or buildings during normal grading operations, and verification of proper handling and disposal.			
TRA-1 (XVII-1): Prior to issuance of grading permit, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City of Morgan Hill. The plan shall include the following: • A project staging plan to maximize on-site storage of materials and equipment; • A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes; • Provisions for maintaining adequate emergency access to the project site; • Permitted construction hours; • Designated locations for construction staging areas; • Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and • Provisions for street sweeping to remove construction-related debris on public streets.	Project Applicant	City of Morgan Hill Development Services Department	Prior to issuance of a grading permit.
During Construction			
NOI-1 (XIII-1): Noise-generating construction activities associated with the proposed project shall not occur within the hours identified in Municipal Code	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	Prior to approval of improvement plans and during construction activities.

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
Section 8.28.040(D). The above language shall be included on final project improvement plans prior to approval by the City of Morgan Hill Development Services Department.			
NOI-2 (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.	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	Included on grading plans and during construction activities.

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TABLE 1. MITIGATION MONITORING AND REPORTING PROGRAM – SUMMARY OF MITIGATION MEASURES

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility[1]	Timing of Implementation
The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department.			

[1] The City of Morgan Hill may hire a qualified contractor to conduct mitigation monitoring.

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BIOLOGICAL RESOURCES

The project's construction-related activities, including demolition and grading, could have potentially significant effects on special-status bird and bat species, as well as other migratory bird species protected by the MBTA. Furthermore, the project would require appropriate protection measures during construction for trees identified for preservation as well as replacement trees in accordance with the City's Tree Protection Ordinance. Implementation of the following measures would reduce the potentially significant effects to less-than-significant levels.

MM BIO-1: To the maximum extent practicable, the removal of trees and shrubs and demolition of buildings shall occur during the non-breeding season (September 1 through January 31). If tree removal or building demolition cannot be avoided during the breeding season (February 1 through August 31), pre-construction surveys shall be conducted by a qualified biologist during the breeding season for tree-nesting raptors and other migratory birds less than 14 days prior to the onset of such construction-related disturbances. The pre-construction survey shall include all trees, large shrubs, buildings, or other areas of potential nesting habitat within the project footprint and, where possible, within 250 feet of the footprint. If active nests are deemed absent from the area, then further mitigation measures are not required, and ground disturbance or construction could occur within 14 days following the survey. Pre-construction surveys and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of grading permit or issuance of building permit.

MM BIO-2: If nesting raptors or other migratory birds are detected on the site during the survey, a suitable disturbance-free buffer of up to 500 feet shall be established around all active nests. The precise dimension of the buffer would be determined at that time and may vary depending on factors such as location, species, topography, and line of sight to the construction area. The buffer area(s) shall be enclosed with temporary fencing, and equipment and workers shall not enter the enclosed buffer areas. Typical buffers range between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. Buffers shall remain in place for the duration of ground disturbing activities, the breeding season, or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents, whichever occurs first.

MM BIO-3: Pre-construction surveys are required to ascertain whether burrowing owls occupy burrows on or adjacent to the site. A minimum of two surveys are required, with the first survey to occur up to 14 days prior to initial construction activities (e.g., vegetation removal, grading, or excavation) and the second survey to occur within two days prior to initial construction activities. If burrowing owls or evidence of burrowing owls are not observed during pre-construction surveys, construction

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may proceed. If burrowing owls or their recent sign are observed during the surveys, occupied burrows shall be identified by the monitoring biologist and appropriate construction-free buffers, as described below, shall be established:

- A 250-foot non-disturbance buffer shall be established around all active burrowing owl burrows or nest sites, as identified and defined by a qualified biologist. If the biologist determines that a nest is vacant, the non-disturbance buffer zone around that nest may be removed. The SCVHP specifies that a vacation from the site for a week or more by a burrowing owl, as determined by a qualified biologist, would constitute a voluntary relocation by the owl, and the qualified biologist could then take measures to collapse suitable burrows of the site to discourage reoccupation. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies (SCVHP, Chapter 6, Condition 15). For permission to encroach within 250 feet of such burrows during the nesting season (February 1 through August 31), an Avoidance, Minimization, and Monitoring Plan shall be prepared and approved by the City of Morgan Hill Development Services Department and Wildlife Agencies prior to such encroachment.
- Should a burrowing owl be overwintering or nesting on-site in the non-breeding season (September 1 through January 31), construction activities shall not be allowed within the 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to:
    - 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 owl during construction and does not find a change in owl foraging behavior in response to construction activities;
    - If a change in owl nesting and foraging behavior occur because of construction activities, the construction activities shall cease within the 250-foot buffer; and
    - If the owls are gone for at least one week, the project proponent may request approval from the City of Morgan Hill Development Services Department 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.

MM BIO-4: The SCVHP prohibits the passive relocation or exclusion of burrowing owls until a positive regional growth trend is achieved, as defined in Section 5.4.6 of the SCVHP; however, a project may qualify for an exception to this prohibition. Permission to engage in passive relocation during the non-breeding season shall be requested through the standard application process (Section 6.8 of the SCVHP). Application for an exception would require additional information, including a relocation plan and documentation by a qualified biologist that owls have occupied the site for the full year without vacating the site for 10 or more consecutive days. The application would need to be submitted to the City of Morgan Hill Development Services Department, and the Wildlife Agencies would then evaluate

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the application and decide if an exception should be granted. If passive relocation is approved, additional measures may be required by the City of Morgan Hill Development Services Department.

MM BIO-5: A habitat assessment shall be conducted prior to demolition by a qualified biologist to identify buildings on-site that could be suitable for roosting bats. If the habitat assessment does not find suitable roosting habitat, further mitigation is not required. If the habitat assessment finds that suitable roosting habitat is present, a bat survey shall be conducted by a qualified bat biologist within 30 days of building demolition to determine if bats are roosting or breeding in the buildings. Additionally, an emergency survey may be required for areas that cannot be surveyed directly. The surveys shall be conducted during times of the year when bats are active (March 1 through August 15). The habitat assessment, surveys, and results shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to issuance of a demolition permit.

MM BIO-6: If a maternity colony is found on the site, then a construction-free buffer up to 100 feet shall be established around the colony by a qualified biologist. The size of the buffer shall be determined by the biologist depending on factors such as the type of construction-related activity to occur and its proximity to the maternity colony. The buffer shall remain in place until the biologist determines that the nursery is not active.

MM BIO-7: If a bat colony is found on the site during the overwintering season (i.e., October 15 through March 1), demolition shall be delayed until after March 1 or until a qualified biologist determines that bats are absent.

MM BIO-8: If a non-breeding bat colony is found in buildings to be demolished, the individuals shall be humanely evicted by way of a two-step, partial dismantlement of the buildings prior to demolition. The eviction shall be conducted under the direction and supervision of a qualified biologist to ensure that harm or take would not occur to any bats as a result of demolition activities.

MM BIO-9: The removal of Ordinance Sized Trees shall be avoided and preserved to the maximum extent feasible, as determined by the City of Morgan Hill Development Services Director. If Ordinance Sized Trees cannot be avoided during construction, the project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, by providing an on-site replacement planting program at a minimum 1:1 ratio with 24-inch box sized trees. The City shall condition the project to replace the oaks at a 2:1 ratio. Replacement shall be overseen and verified by a qualified arborist and the City of Morgan Hill. The detailed replacement program shall be submitted to the City of Morgan Hill Development Services Director for approval prior to issuance of a grading permit.

MM BIO-10: For the Ordinance Sized Trees to be preserved as part of the project, the project applicant shall include a Tree Preservation Plan, which shall be noted on Improvement Plans, subject to review and approval by the City of Morgan Hill Development Services Department prior to issuance of a grading permit. The measures identified within the Tree Preservation and Protection Plan shall remain

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in place for the duration of construction activities. Following Tree Preservation Measure may include:

- 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 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. Avoid tearing, or otherwise disturbing that portion of the root(s) to remain.
- Construct a temporary fence as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. Post no parking or storage signs outside/on fencing. Do not attach posting to the main stem of the tree.
- Do not allow vehicles, equipment, pedestrian traffic; building materials or debris storage; or disposal of toxic or other materials inside of the fenced off area.
- 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.
- Mulch rooting area with an acidic, organic compost or mulch.
- Arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as they occur, or as appropriate.
- Individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within these general guidelines.

GEOLOGY AND SOILS

Inclusion of project-specific recommendations regarding moderately low expansive soil conditions included in the Geotechnical Study prepared for the proposed project would be necessary to ensure that substantial impacts related to geology and soils do not occur. Implementation of the following measure would reduce the potentially significant impact to a less-than-significant level.

MM GEO-1: All grading and foundation plans for the development shall be designed by a civil and structural engineer and reviewed and approved by the City Engineer, Chief Building Official, and a qualified geotechnical engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations

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specified in the geotechnical report prepared for the proposed project by Geo-Logic Associates are properly incorporated and used in the project design.

HAZARDS AND HAZARDOUS MATERIALS

Demolition of the existing on-site structures could result in the release of Lead Based Paints (LBPs). In addition, the previous use of pesticides at the project site may have resulted in soil contamination beneath existing structures. As such, the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials in the environment. Implementation of the following measures would reduce such potentially significant impacts to a less-than-significant level.

MM HAZ-1: Prior to issuance of a demolition permit for any structure at the site, the project applicant shall provide the City of Morgan Hill Development Services Department a detailed assessment pertaining to the potential presence of lead-based paint-containing materials in existing all structures that may be scheduled for demolition. If structures do not contain lead-based paint, further mitigation is not required; however, if lead-based paint is found, Mitigation Measure IX-2 shall be implemented.

MM HAZ-2: Prior to issuance of a demolition permit by the City for the existing structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Building Official. Proof of removal shall be submitted to the City of Morgan Hill Development Services Department prior to issuance of a demolition permit.

MM HAZ-3: Following demolition and prior to issuance of a grading permit, a sampling grid shall be superimposed and discrete shallow samples shall be collected at points currently under building foundations. The samples shall be tested for chlordane and/or DDT isomers to determine whether Regional Water Quality Control Board Environmental Screening Levels (ESLs) are exceeded in any samples. The applicant shall submit a report to the Development Services Department for review and approval that includes, but is not limited to, sampling activities performed, relevant ESLs for identified contaminants, summary of contaminated concentrations, and locations where ESLs are exceeded, if any. If ESLs are exceeded in on-site soils, the impacted areas shall be removed and properly disposed of under oversight by the Santa Clara County Department of Environmental Health (SCCDEH) prior to issuance of a grading permit; and proof of remediation under SCCDEH oversight shall be provided to the City of Morgan Hill Development Services Department prior to grading. For larger quantities of soils that are non-hazardous, subject to approval by the Morgan Hill Development Services Department, such soils may generally be placed under interior roads,

Attachment: Royal Oak Village MMRP (3145 : Watsonville-Hordness (Royal Oaks Village))

parking areas, or buildings during normal grading operations, and verification of proper handling and disposal.

NOISE

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

MM NOI-1: Noise-generating construction activities associated with the proposed project and intersection improvements 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 issuance of a grading permit by the City of Morgan Hill Development Services Department.

MM NOI-2: To the maximum extent practical, the following measures should be implemented during project construction:

- All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition;
- All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project construction;
- Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible;
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors;
- Project area and site access road speed limits shall be established and enforced during the construction period; and
- Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

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

TRANSPORTATION

Construction traffic associated with the proposed project and off-site improvements would include heavy-duty vehicles that would share the area roadways with normal vehicle traffic, creating potential conflicts with other roadway users. Potential conflicts could temporarily disrupt daily traffic flows on area roadways, including emergency response vehicles. Implementation of the following measure would reduce the potentially significant impact to a less-than-significant level.

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MM TRA-1: Prior to issuance of grading permit, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City of Morgan Hill. The plan shall include the following:

- A project staging plan to maximize on-site storage of materials and equipment;
- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes;
- Provisions for maintaining adequate emergency access to the project site;
- Permitted construction hours;
- Designated locations for construction staging areas;
- Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and
- Provisions for street sweeping to remove construction-related debris on public streets.

FINDING

The City of Morgan Hill Development Services Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the MND are included in the project.

Jennifer Carman
Development Services Director

Date: _____

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CITY OF MORGAN HILL

SD2020-0008/SR2020-0023/UP2021-0001 Watsonville-Hordness (Royal Oaks Village)

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Applicant's Request

1. Tentative Parcel Map- Two Lots
   - Parcel One- 4.03 acres (Project Site)
   - Parcel Two- 3.61 acres (undeveloped)

2. Design Permit- 73-unit, multi-family affordable development
   - 6 – One bedrooms
   - 38 – Two bedrooms
   - 29 – Three bedrooms

3. Conditional Use Permit for "Green Parking Exemption" to allow reduced parking lot landscaping when solar panels are provided

4. Design Waiver to Design and Development Standard "Orientation to an existing street"

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

CITY OF MORGAN HIL

Project Location

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Density Bonus

- Project entitled to four incentives/concessions based upon affordability

- City Council adopted Resolution – January 2021 approving four concessions

  - Parking – 140 spaces provided
  - Height – Maximum height of 45 feet
  - Floor Area Ratio – 0.68 FAR
  - Common Open Space – 23,840 square feet proposed

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

General Plan and Zoning Designations

General Plan Land Use

Mixed Use Flex

7-24 units per acre

Zoning

MU-F/PD

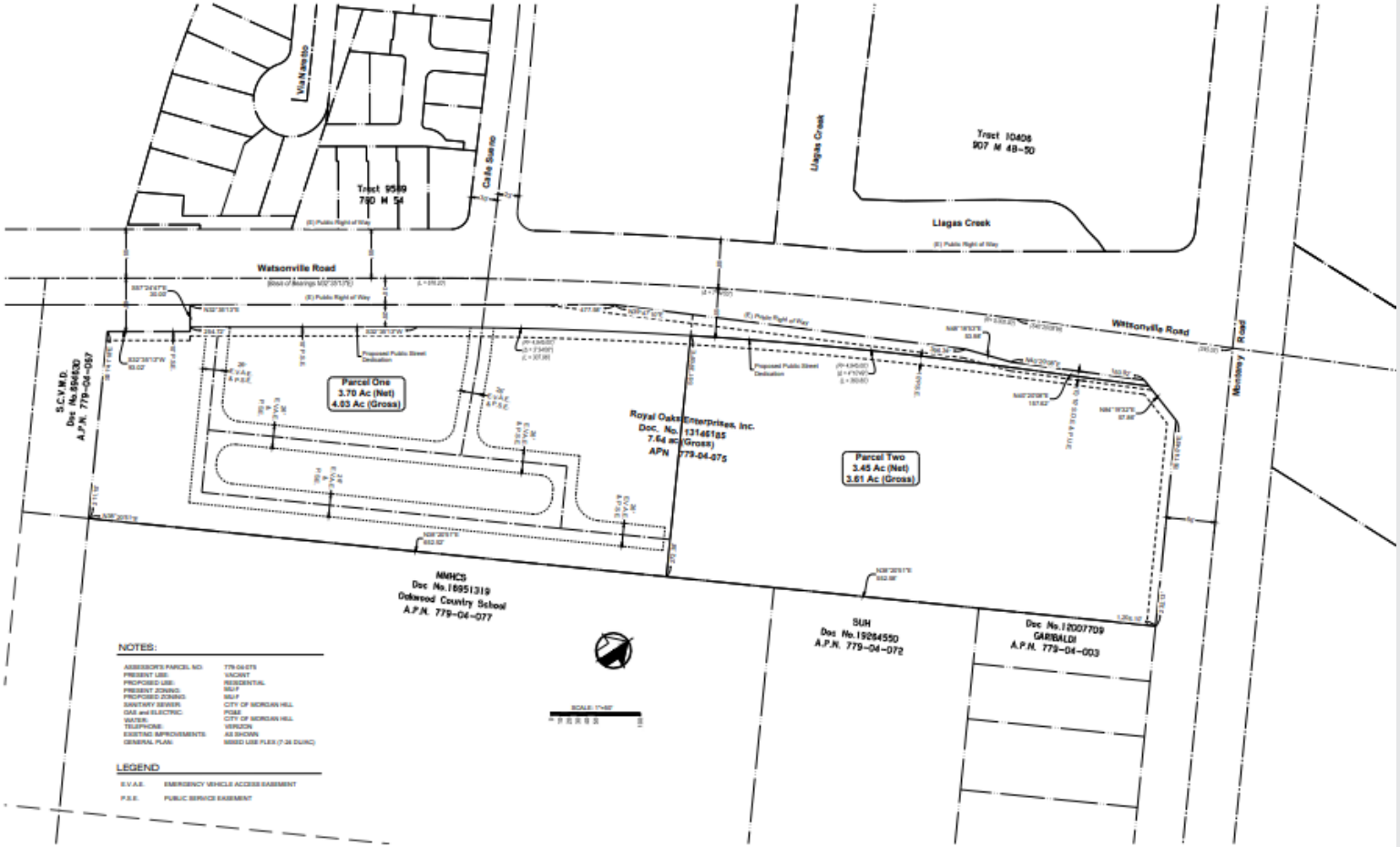
Block 13 of the Monterey Road Corridor

SB 330 supersedes Municipal Code requirement for BLMP/PD Master Plan/Conditional Use Permit for housing on the site.

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Tentative Parcel Map



Watsonville-Hordness (Royal Oaks Village)

Design Permit Process

- High quality design consistent with the General Plan and any other applicable specific plan or area plan adopted by the City Council

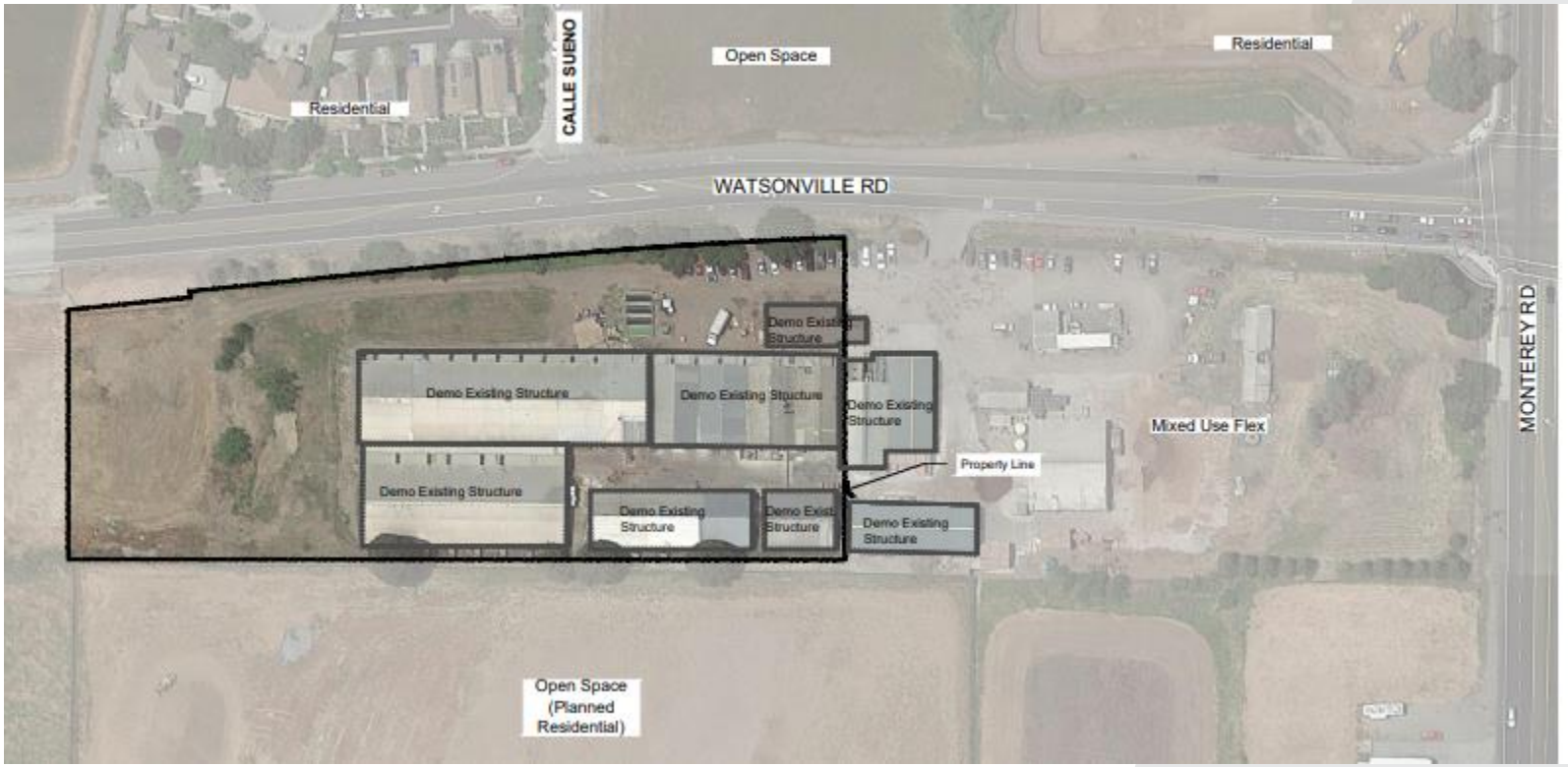
- Intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties

- Community Development Director elevated project to Planning Commission for review and final decision

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Demo Plan and Undeveloped Area

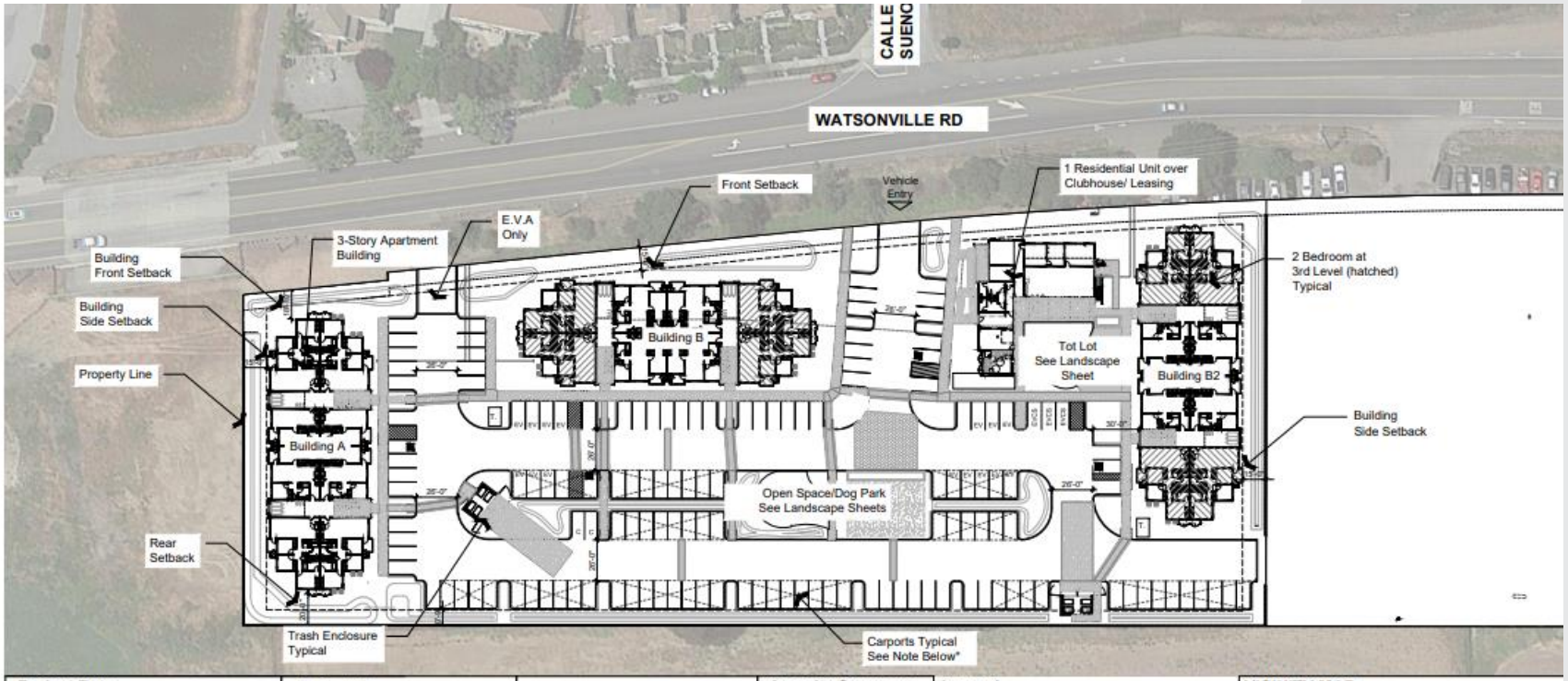


Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

CITY OF MORGAN HIL

Site Plan



Project Data

Project Address
Part of 15440 Monterey Road
Morgan Hill, CA

Site Area Information

Gross Site Area	4.03 AC (±175,547 SF)
Net Site Area	3.7 AC (±161,172 SF)
Dwelling Units	73 DU
Density (Net AC)	19.73 DU / AC
FAR	.68
Lot Coverage	30%
Zone District/Gen. Plan	Mixed Use Flex

Building Area Information
See A3.0 sheet series for building areas

Project Summary

Residential: Affordable Rental

Unit Plan	Unit Type	Total	Percent
Plan 1-1	1bd/1b	06	8%
Plan 2-1	2bd/2ba	38	52%
Plan 3-1	3bd/2ba	29	40%
Totals		73	100%

Required (Per State Density Bonus)

Unit Plan	Parking	Totals
Plan 1-1	1 stall/unit	6
Plan 2-1	2 stalls/unit	76
Plan 3-1	2 stalls/unit	58
Total		140

Required
Electric Vehicle Charging Station 3*
*Per section 18.72.040.C

Provided

Parking Type	Accessible**	Totals
Standard	(5)	58
Electric Vehicle	(1)	7
Carport	(2)	65
Carport EV		8
Compact Spaces		2
Total	(8)	140

**Inclusive to totals

Electric Vehicle Charging Station 3

Amenity Summary

Tier 1 (Required 2)
Provided 3:
Picnic/ Barbeque Area
Park Benches
Tot Lot

Tier 2 (Required 2)
Provided 2:
Shade Trellis
Dog Park

Tier 2 (Required1)
Provided 2:
Restroom Area
Clubhouse w/ kitchen

Legend

T. : Transformer

EV: Future Electric Vehicle Space

EVCS: Electric Vehicle Charging Stations

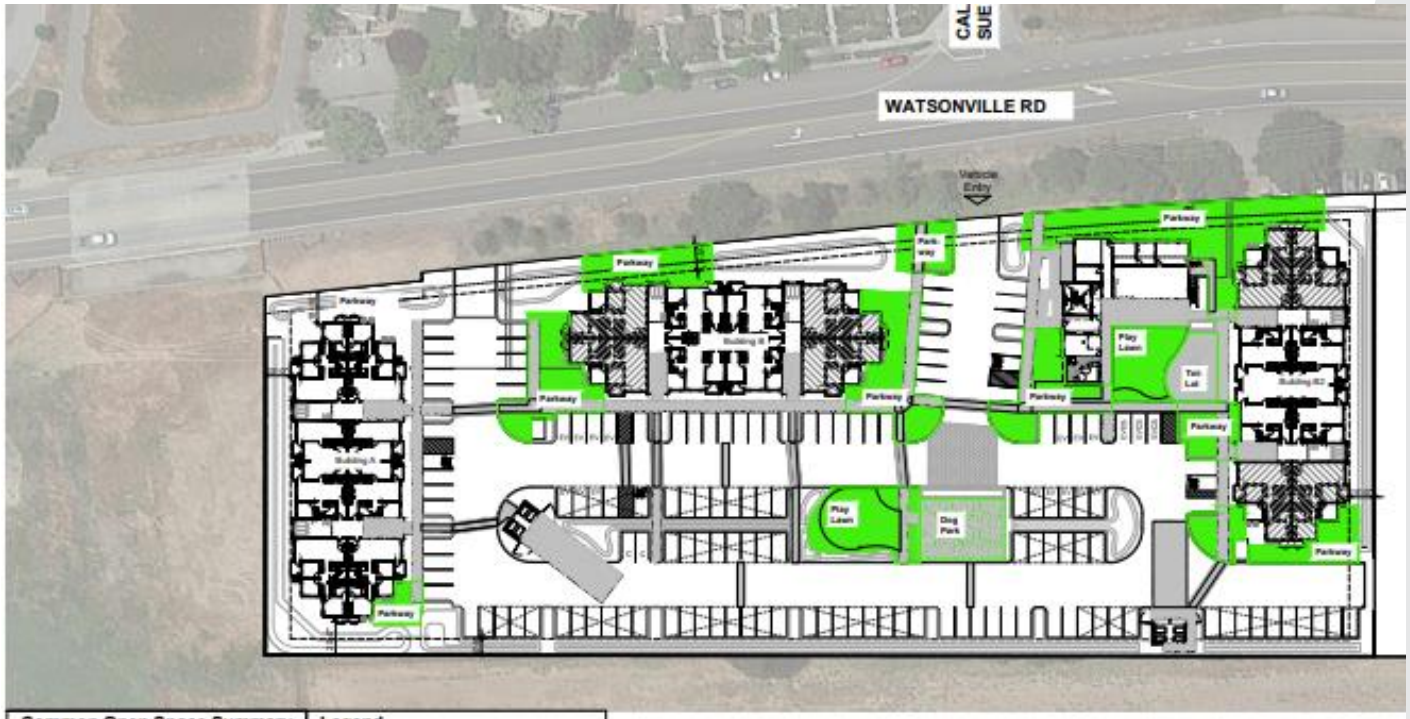
C: Compact Space

AC Unit Condesor

VICINITY MAP

Watsonville-Hordness (Royal Oaks Village)

Common Open Space Plan



Common Open Space Summary	
Required:	
161,172 SF (3.7 Net AC) x15% = 24,176 SF	
Provided:	SF
Parkways	±17,800
Play Lawns	±3,230
Tot-Lot	±1,060
Dog Park	±1,769
Total	±23,859 SF

Legend
Common Open Space*
*10' Min. Clearance, 800 min-sf. and Clear to Sky

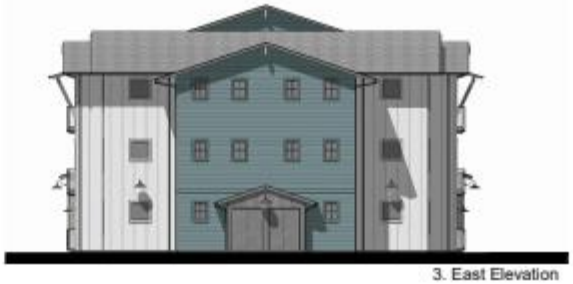
Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Building Elevations

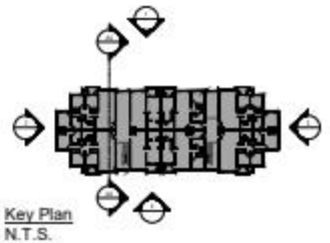
1. South Elevation

2. West Elevation (Fronting Watsonville Rd.)



3. East Elevation

4. North Elevation



Key Plan
N.T.S.

Material Legend
1. Composite Shingle Roof
2. Standing Seam Metal Roof
3. Corrugated Metal Siding
4. Horizontal Siding
5. Board and Batten Siding
6. Board Formed Concrete Veneer
7. Fiber Cement Trim
8. Vinyl Windows
9. Metal Cross-Bracing Railing
10. Metal Diagonal Brace
11. Wall Sconce
12. Decorative Beam
13. Roof Well Screened Equipment Typ.

SECTION AA | SCALE 1/8"=1'-0"

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Clubhouse Elevations

1. WEST Elevation (Fronting Watsonville Rd.)

Key Plan
N.T.S.

Material Legend
1. Composite Shingle Roof
2. Standing Seam Metal Roof
3. Corrugated Metal Siding
4. Horizontal Siding
5. Board and Batten Siding
6. Board Formed Concrete Veneer
7. Fiber Cement Trim
8. Vinyl Windows
9. Metal Cross-Bracing Railing
10. Metal Diagonal Brace
11. Wall Sconce
12. Decorative Beam

2. Right Elevation

3. North Elevation

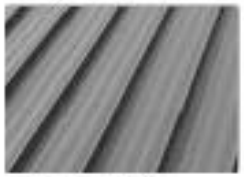
4. East Elevation

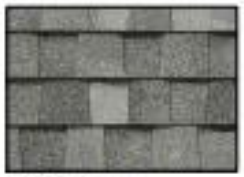
Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Material Board

Key Elevation





ROYAL OAK VILLAGE

MATERIAL BOARD

A8.0

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Aerial View along Watsonville Road

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

South View from Watsonville Road

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

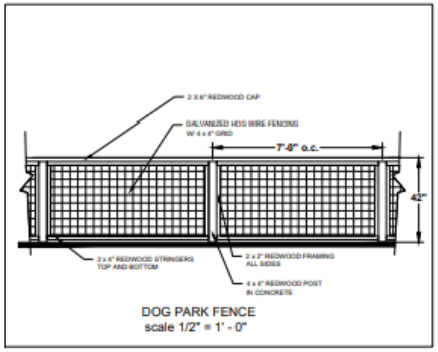
View from Watsonville Road of Clubhouse

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

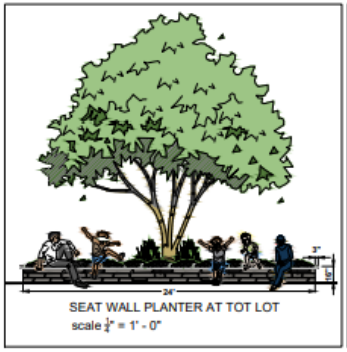
Watsonville-Hordness (Royal Oaks Village)

CITY OF MORGAN HILL

Hardscape Details



DOG PARK FENCE
scale 1/2" = 1' - 0"



SEAT WALL PLANTER AT TOT LOT
scale 1/2" = 1' - 0"

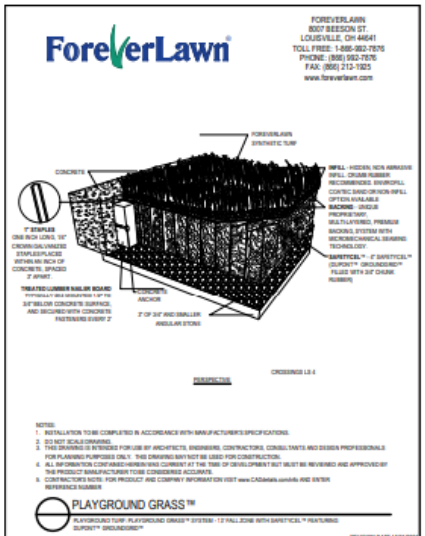
ENTRY PLANTER
scale 1/2" = 1' - 0"

Michael Arnone + Associates
LANDSCAPE ARCHITECTURE
mike@arnonelandscape.com 831.462.4988

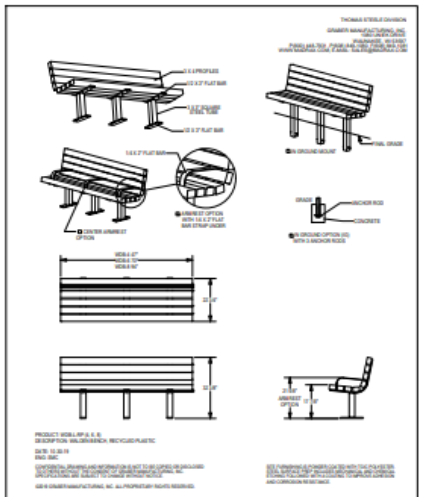
ROYAL OAK VILLAGE
15440 WATSONVILLE ROAD
MORGAN HILL, CALIFORNIA

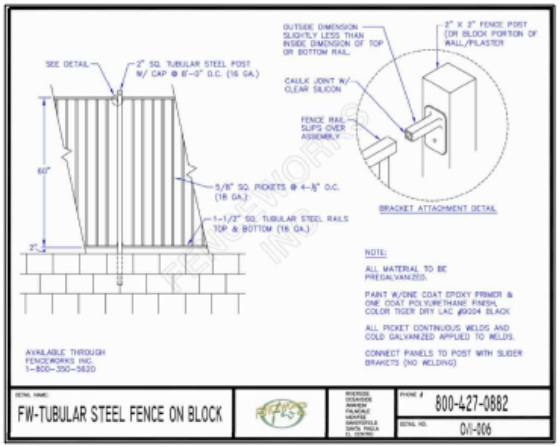
Stonetop Specifications:

ForeverLawn
FOREVERLAWN
8007 BEESON ST.
LOUISVILLE, OH 44641
TOLL FREE: 1-866-992-7676
PHONE: (866) 992-7676
FAX: (866) 212-1925
www.foreverlawn.com



Greystone





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OWNER SHALL ASSUME RESPONSIBILITY FOR COMPLIANCE WITH ALL EASEMENTS, SETBACK REQUIREMENTS AND PROPERTY LINES. OWNER SHALL ACQUIRE ALL NECESSARY PERMITS REQUIRED TO PERFORM WORK SHOWN ON PLANS. BASE INFORMATION HAS BEEN PROVIDED BY THE OWNER. MICHAEL ARNONE LANDSCAPE ARCHITECTURE ASSUMES NO LIABILITY FOR THE ACCURACY OF SAID PROPERTY LINE BOUNDARIES, FENCE LINES OR PROPERTY CORNERS.

REVISIONS

HARDSCAPE DETAILS & ELEVATIONS

JOB NO.	202023
SCALE	as noted
DRAWN	MA
CHECK	JC/MA
DATE	1.18.21

Watsonville-Hordness (Royal Oaks Village)

Findings – Design Permit

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.

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

C. The proposed project substantially complies 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).

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Findings – Design Permit

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.

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

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Findings – Conditional Use Permit

A. The proposed use is allowed in the applicable district.

B. The proposed use is consistent with the general plan, zoning code, and any applicable specific plan or area plan adopted by the city council.

C. The site is suitable and adequate for the proposed use.

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

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Findings – Conditional Use Permit

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

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

G. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Findings – Tentative Parcel Map

A. The Tentative Parcel Map, together with its provisions for its design and improvements, is consistent with the General Plan or specific plans adopted by the City.

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Project Consistency

Proposed project consistent with:

- General Plan
- Zoning Code
- City's Design Review Criteria
- Residential Development Design and Development Standards
- Subdivision Map Act

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

Community Engagement

- Newspaper
- 600-foot Mail Notification
- Site Signage
- Weekly 411
- Notify e-blast
- Project webpage

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Watsonville-Hordness (Royal Oaks Village)

CEQA

- Initial Study (IS) prepared
- Notice of Intent circulated July 16, 2021 through August 16, 2021
- Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) includes applicable mitigation measures to reduce all potential impacts to less than significant levels

Public Comments Received

- Tamien Nation- consultation requested
- 245 Via Naretto property owner

Watsonville-Hordness (Royal Oaks Village)

Recommendation

- Open/close public hearing
- Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program
- Adopt a Resolution approving a two-lot Tentative Parcel Map, Design Permit, and Conditional Use Permit for a green parking exception

Attachment: Staff Presentation (3145 : Watsonville-Hordness (Royal Oaks Village))

Questions?

CITY OF MORGAN HILL

ROYAL OAK VILLAGE PROJECT

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

This Response to Comments document contains environmental-related comments received during the public review period of the Royal Oak Village Project (proposed project) Initial Study/Mitigated Negative Declaration (IS/MND). The City of Morgan Hill, as lead agency, released the IS/MND for public review beginning on July 16, 2021 and ending on August 16, 2021 pursuant to CEQA Guidelines Section 15105.

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

COMMENTS AND RESPONSES

The City of Morgan Hill received three comment letters from members of the public during the open comment period on the IS/MND for the proposed project. One comment letter contained comments from the Santa Clara Valley Transportation Authority; these comments are not related to the adequacy of the IS/MND analysis, but rather consist of recommendations regarding proposed roadway improvement design and have been incorporated by City staff as conditions of project approval. The remaining two comment letters are addressed in the following section, which includes responses to each of the comment letters, insofar as the comments address environmental topics. The letters are numbered and environmental-related comments are bracketed with assigned comment numbers. The bracketed comment letters are followed by numbered responses corresponding to each bracketed comment.

Attachment: 02-Supplement 1- Royal Oak Village_Responses to Comments (3145 : Watsonville-Hordness (Royal Oaks Village))

From: Laura Hernandez <laurasf62@outlook.com>
Sent: Sunday, August 15, 2021 8:40 PM
To: Gina Paolini <Gina.Paolini@morganhill.ca.gov>
Subject: [EXTERNAL] Royal Oak Village Project

You don't often get email from laurasf62@outlook.com. Learn why this is important

Please consider my comments related to the proposed development at the former mushroom farm below.

August 15, 2021

City of Morgan Hill
Development Services Department
17575 Peak Avenue
Morgan Hill CA 95037
ATTN: Gina Paolini

Subject: Royal Oak Village Project

Dear Gina,

I am a homeowner located on Via Naretto, across Watsonville Road from the proposed 73 multi-family project at the site of the former mushroom farm. I am writing to express some big concerns I have with this project.

Attachment: 02-Supplement 1- Royal Oak Village_Responses to Comments (3145 : Watsonville-Hordness (Royal Oaks Village))

Letter 1

1-1 Concern #1 Noise: Since purchasing my home in 2008 the traffic at all hours on both Monterey and Watsonville roads has increased tremendously creating a lot of noise. It's hard to keep the windows open any more with so much noise from vehicles. The other concern about noise is the height of the proposed development. This will only make the noise much worse. I would propose a development of single-story housing instead to help reduce the amount of noise created by developing this lot.

1-2 Concern #2 Traffic: As mentioned above in noise, traffic has increased so much on both Watsonville and Monterey that it's hard to merge into traffic on either road especially during commute times. I would at least prefer to see the entrance/exit moved to Monterey Road as it's extremely difficult to turn left onto Watsonville as it is. A development of this size will easily add at least 150 vehicles to the traffic problem at this location daily. There are a lot of accidents around the intersection of Watsonville, Monterey, and Butterfield already. There is a lot of speeding as well on all these streets, and there is flooding on both Watsonville and Monterey during the rainy season which contributes to access. With no sidewalks leading to downtown it's a dangerous place to build such high density housing for both adults and children.

1-3 Concern #3 Type of development: In seems that this would not be the best location for this type of housing due to the fact that this location is not located close to essential businesses and services. There is nothing out in this area. Ideally I would think that a housing development like this, especially one that is this densely populated should be situated closer to grocery stores, pharmacy, gas, and other needed types of businesses. It seems to me that this location is better suited to a senior living community or similar lower density housing. Access to schools is another concern from this location since there aren't any schools at this end of town that are within walking distance.

1-4 Concern #4 Services: With water in Morgan Hill at a critical low it seems irresponsible to build a high density housing project at least until Anderson Dam is back in service. Another concern is reliable
internet. We only have one choice for service providers in Morgan Hill in this area and the service is slow and horrible.

In summary, I strongly urge the City of Morgan to consider a smaller, more appropriate development on this land better suited to the area and concerns of the existing as well as new residents.

I am not a no growth proponent but the growth needs to be sensible and this proposed development is not sensible or appropriate for this location.

Respectfully,

Laura Hernandez
245 Via Naretto
Morgan Hill, CA 95037

Sent from Mail for Windows

Attachment: 02-Supplement 1- Royal Oak Village_Responses to Comments (3145 : Watsonville-Hordness (Royal Oaks Village))

LETTER 1: LAURA HERNANDEZ, AUGUST 15, 2021

Response to Comment 1-1

Existing traffic noise along Monterey and Watsonville Roads is an existing condition that is part of the environmental baseline. Pursuant to the California Environmental Quality Act, the relevant question is how much traffic noise would the proposed project add to these roadways.

According to the *Trip Generation and Operations Analysis for the Proposed Royal Oak Village Affordable Housing Development* (April 15, 2021, Hexagon Transportation Consultants, Inc.), after applying the Institute of Transportation Engineers trip rates, it is estimated that the project would generate 25 vehicle trips (7 inbound and 18 outbound) during the AM peak hour and 33 vehicle trips (20 inbound and 13 outbound) during the PM peak hour. This is a relatively minor increase in trips to the surrounding roadway network. Thus, the proposed project would not substantially increase traffic noise along Watsonville and Monterey Roads. This is supported by the traffic noise analysis contained in the IS/MND. As stated on page 85 of the IS/MND:

> According to General Plan Policy SSI-8.5, noise level increases resulting from traffic associated with a new project would be considered significant if: a) the noise level increase is 5 dB Ldn or greater, with a future level of less than 60 dB Ldn; or b) the noise level increase is 3 db Ldn or greater, with a future noise level of 60 dB Ldn or greater. According to the General Plan EIR, along Watsonville Road, between Olive Avenue and Monterey Road, buildout of the General Plan is expected to increase ambient noise by 1.1 dBA. In addition, along Monterey Road, between Watsonville Road and John Wilson Way, buildout of the General Plan is expected to increase ambient noise levels by 1.1 dBA. Therefore, as noted in the General Plan EIR, with implementation of the noise policies and compliance with the relevant Municipal Code ordinances, buildout of the General Plan was determined to result in a less-than-significant impact related to traffic noise. Considering the anticipated increase in transportation noise on adjacent roadways would not exceed the City's standards set forth in Policy SSI-8.5, traffic noise increases attributable to the project would be less than significant.

The comment about the height of the building and its effect on noise is unclear as to the commenter's specific underlying concern. According to CEQA Guidelines Section 15088(c), "*The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment*." Given this directive, a specific response to this general concern is not warranted and would require speculation.[1]

Response to Comment 1-2

The project site does not front Monterey Road. Therefore, it is not feasible to move the proposed site access point to Monterey Road as the comment requests. The proposed site will be accessed via a new southerly leg at the Calle Sueno intersection with Watsonville Road. As part of the proposed

[1] If the concerns pertain to noise generated by residents on their balconies, it is noteworthy that the project design includes four-foot high barriers at the patios and balconies/decks of the units along Watsonville Road.

Attachment: 02-Supplement 1- Royal Oak Village_Responses to Comments (3145 : Watsonville-Hordness (Royal Oaks Village))

project, the Calle Sueno/Watsonville Road intersection will be improved to provide a dedicated westbound left-turn lane to the project site with stop-control on the new south leg. It should be noted that per the General Plan, Watsonville Road is planned as a four-lane major arterial between Butterfield Boulevard and La Alameda. The intent and function of arterials is to collect and distribute traffic from freeways and other major arterials to local collector streets. Therefore, Watsonville Road is a key component to the City's General Plan roadway network and circulation. The referenced increases in traffic growth along Watsonville Road will be accommodated with its planned improvement.

Response to Comment 1-3

The comment does not address the adequacy of the IS/MND. It is noted, however, that urban services and infrastructure such as water and sewer systems, are located within Watsonville Road, and the project can easily connect to these systems. In addition, it is important to note that the project site designated Mixed Use-Flex in the City General Plan and zoned Mixed-Use Flex and Planned Development. The MU-F 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 use applied either vertically or horizontally. The proposed project would adhere to the General Plan designation by expanding the range of residential development within the project area. As such, the type and intensity of growth that would be induced by the proposed project has been anticipated by the General Plan.

Response to Comment 1-4

As discussed on page 101 of the IS/MND,

> According to the City's Urban Water Management Plan, the City's projected water supply far exceeds the water demand for normal, single-dry, and multiple-dry years until at least 2040. For example, during a normal year in 2025, the anticipated supply exceeds the anticipated demand by 58,645 acre-feet per year. Given that the proposed project is consistent with the site's current land use and zoning designations, the type and intensity of growth that would occur as a result of the proposed project was generally considered in the 2035 General Plan and associated water use has been analyzed in the General Plan EIR. Therefore, the proposed project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, and sufficient water supplies would be available to serve the project from existing entitlements and resources.

The comment related to internet service is not related to the adequacy of the IS/MND but has been forwarded to the decision-makers.

Attachment: 02-Supplement 1- Royal Oak Village_Responses to Comments (3145 : Watsonville-Hordness (Royal Oaks Village))

Letter 2

TAMIEN NATION
P.O. Box 8053, San Jose, California 95155
(707) 295-4011 tamien@tamien.org

August 16, 2021

Gina Paolini, Principal Planner

City of Morgan Hill

(408) 310-4676

Sent Via Email: gina.paolini@morganhill.ca.gov

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subds. (b),(d) and (e), Royal Oak Village Project,

15440 Monterey Road, Morgan Hill

Dear Ms. Paolini,

2-1 This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Tamien Nation requested formal notice and information for all projects within your agency's geographical jurisdiction and received notification on July 20, 2021 regarding the above referenced project.

Tamien Nation requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a):

- ☑ Alternatives to the project
- ☑ Recommended mitigation measures
- ☑ Significant effects of the project

2-2 Tamien Nation also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2(, subd. (a):

- ☑ Type of environmental review necessary
- ☑ Significance of tribal cultural resources, including any regulations, policies standards used by you agency or to determine significance of tribal cultural resources
- ☑ Significance of the project's impacts on tribal cultural resources

Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

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(1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
(2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
    a. Protecting the cultural character and integrity of the resource;
    b. Protection the traditional use of the resource; and
    c. Protecting the confidentiality of the resource.
(3) Permanent conservation easements or other interests in real property,with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
(4) Protecting the resource.

Additionally, Tamien Nation would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System(CHRIS), including, but not limited to:

    - A listing of any and all known cultural resources have already been recordedon or adjacent to the APE;
    - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records searchresponse;
    - If the probability is low, moderate, or high that cultural resources are locatedin the APE.
    - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
    - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

    - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, andassociated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

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3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and

5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Tamien Nation expects to begin consultation within 30 days of your receipt of this letter. Please contact Tamien Nation lead contacts:

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Please refer to identification number TN-20210720-01 in any correspondence concerning this project. Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

Quirina Geary
Chairwoman

cc: Native American Heritage Commission

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LETTER 2: QUIRINA GEARY, AUGUST 16, 2021

Response to Comment 2-1

In response to the comment, the City of Morgan Hill has initiated consultation with Tamien Nation.

Response to Comment 2-2

The requested topics will be discussed during the consultation meeting between City staff and Tamien Nation. For informational purposes, it is noted that the IS/MND includes protection measures pertaining to cultural resources on pages 46 through 48 of the IS/MND. These measures are required for the project pursuant to City Code Section 18.60.890.

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