



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, October 26, 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 hand 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 OCTOBER 12, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

2. SR2020-0027/EA2020-0020: MONTEREY-MINER (JEMCOR)- DESIGN REVIEW PERMIT AND ENVIRONMENTAL ASSESSMENT FOR A 249-UNIT, MULTI-FAMILY AFFORDABLE RESIDENTIAL COMMUNITY. THE PROPERTY, IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 726-36-059, IS LOCATED NORTH OF THE MONTEREY ROAD AND MADRONE PARKWAY INTERSECTION (JEMCOR DEVELOPMENT PARTNERS, 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 Design Permit.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

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

PUBLIC COMMENT

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

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

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

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

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

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

AMERICANS WITH DISABILITIES ACT (ADA)

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

DRAFT



Meeting Minutes Planning Commission

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, October 12, 2021 7:00 pm

Virtual Meeting

CALL TO ORDER

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

ROLL CALL ATTENDANCE

Minutes Clerk Luna called the attendance at 7:00 p.m.

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

DECLARATION OF POSTING AGENDA

Minutes Clerk Luna Declared the posting of the agenda at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Planning Commissioner Munoz-Morris led the Pledge of Allegiance at 7:01 p.m.

Minutes Acceptance: Minutes of Oct 12, 2021 7:00 PM (MINUTES APPROVAL)

OPEN PUBLIC COMMENT PERIOD

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

ORDERS OF THE DAY

No Changes.

MINUTES APPROVAL

1. APPROVE THE SEPTEMBER 28, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

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

PUBLIC HEARINGS

2. SD2020-0010/EA2020-0021: SPRING - GIANCOLA: TENTATIVE SUBDIVISION MAP TO SUBDIVIDE A 2.7-ACRE LOT INTO 23 LOTS, WITH ANCILLARY ROADWAYS, COMMON SPACE, AND A 6,595 SQUARE FOOT PARK. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER 767-11-030, IS LOCATED ON THE NORTH SIDE OF SPRING AVENUE (SHEILA GIANCOLA, OWNER).

Recommendation:

1. Open/close the public hearing; and,
2. Adopt a Resolution approving a 23-lot Tentative Subdivision Map with ancillary roadways, common space, and 6,595 square foot park.

Senior Planner Tiffany Brown presented the Staff Report at 7:03 p.m.

Chair Kumar opened the Public Hearing at 7:19 p.m. The following individuals were called to speak:

- Bill McClintock
- Matt & Lisa
- Deirdre Blatt

Hearing no further requests to speak, the Public Hearing was closed at 7:51pm.

MOTION:

Adopt a Resolution approving the Tentative Subdivision Map with the following amendments: In the first Whereas, change the number of parcels to 27 parcels instead of 23-lots, define common open space parcels as A and B, a private park as parcel C, and ancillary roadways as parcel D. Also add a Planning Commission Condition to Exhibit B after the Project Description - The designated crosswalk shall be removed from the Tentative Map drawing.

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

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman gave a report at 8:18 p.m.

ADJOURNMENT

There being no further business, Chair Kumar adjourned the meeting at 8:23 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Oct 12, 2021 7:00 PM (MINUTES APPROVAL)



CITY OF MORGAN HILL

PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 26, 2021

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

SR2020-0027/EA2020-0020: MONTEREY-MINER (JEMCOR)- DESIGN REVIEW PERMIT AND ENVIRONMENTAL ASSESSMENT FOR A 249-UNIT, MULTI-FAMILY AFFORDABLE RESIDENTIAL COMMUNITY. THE PROPERTY, IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 726-36-059, IS LOCATED NORTH OF THE MONTEREY ROAD AND MADRONE PARKWAY INTERSECTION (JEMCOR DEVELOPMENT PARTNERS, 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 Design Permit.

LOCATION MAP



PROJECT SUMMARY

1. Location: North of the Monterey Road and Madrone Parkway intersection
APN 726-36-059
2. Site Area: 7.5-acres
3. General Plan: Mixed Use Flex/Residential Attached Low

4. Zoning: Mixed Use Flex (MUF)/Residential Attached Low (3,500)

BACKGROUND

On November 20, 2020, Jemcor Development Partners submitted an application for a Design Permit for a 249-unit, multi-family affordable residential community.

Required Permits

A portion of the property is located in the MU-F Zoning District within Block 3 of the Monterey Road Corridor for which a Block Level Master Plan (BLMP)/PD Master Plan is generally required. 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 – this law supersedes City requirements and allows 100% housing on this site. The law also suspends the City’s Residential Development Control System (RDCS) which was a housing development pacing tool the City utilized for nearly 40 years prior to the new legislation. As an affordable project, this project is also subject to Density Bonus Law – Government Code 65915-65918.

The project, as proposed, is consistent with the General Plan and meets the base zoning standards and only requires a Design Permit since SB 330 supersedes the local requirements; therefore, the City can no longer require a BLMP, PD master plan or a Conditional Use Permit for this project.

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 reductions in development standards or modifications of zoning code requirements or architectural design requirements that exceed the minimum California building standards, such as height limitation, setback requirements, a floor area ratio (FAR), on-site open space requirements, or a parking ratio that results in identifiable and actual cost reductions to provide for affordable housing costs. Waivers, on the other hand, relate to the project’s ability to achieve the density it is entitled to under the law. While these concessions are required to be approved by the City, there is an almost unachievable threshold for a municipality to deny the concession requests.

On April 21, 2021, the City Council adopted Resolution No. 21-018 (Attachment 3), granting an 80 percent density bonus for the site and three concessions for the proposed project:

1. Parking Space Dimensions: The garage tandem parking spaces were reduced to 10 feet by 18 feet (the Morgan Hill Municipal Code requires 10 feet by 20 feet).

2. Bicycle Parking and Storage: The covered and long-term bicycle parking required by the Morgan Hill Municipal Code was eliminated (86 spaces required).
3. Design Standard No. 38- Pavement Design: The Residential Development Design and Development Standards requires projects to incorporate decorative, pervious paving into paved and landscaped areas by 10 percent to reduce the visual impact of paved surfaces. The project has reduced decorative pavement material to 2 percent.

On July 23, 2021, a Regulatory Agreement was recorded on the property, which requires that the property may only be developed for affordable housing (Attachment 4). Assuming the project receives the necessary approvals, the project will be able to qualify for State Tax Credits.

PROJECT DESCRIPTION

The proposed project consists of a 249-unit, multi-family affordable residential community. The 249 units would be distributed throughout two, two-story buildings and 12, three-story buildings. The two, two-story buildings (Building 12 and Building 13) have been designed as two-story structures to soften the transition between the proposed project's three-story buildings and the existing single-family homes east/northeast of the project site on Taylor Avenue. The existing warehouse structure and single-story building within the southwestern portion of the project site would be demolished as part of project development.

Of the 249 units, 246 would be affordable to lower income households, and three of the units would be manager's units. The proposed residences would consist of one-, two- and three-bedroom units, varying between 617 square feet and 1,122 square feet. An approximate 4,000 square-foot, one-story clubhouse would be located to the east of Building 1, near the main project entry on Madrone Parkway. The clubhouse would be accessible to all residents and would include a fitness room, a computer room, a kitchen, a clubroom, a mailroom, and public restrooms. The leasing office and associated workrooms would also be located in the clubhouse. Detailed project plans have been provided (Attachment 5 and 6).

The applicant has requested waivers and reductions to development standards that include a three-foot increase in building height to 38 feet (35 feet allowed), increase in Floor Area Ratio within the MU-F portion of the site, and reduced setback along Taylor Avenue. Waivers are automatically allowed if they are necessary to achieve the full density allowed pursuant to State Density Bonus Law.

Complete details regarding the requested project exceptions have been provided (Attachment 7).

Surrounding Zoning/Land Use

The project site is generally bounded by Monterey Road to the west and Madrone Parkway to the south. A storm drainage canal runs parallel to the southern boundary of

the project site and terminates in a water quality basin located south of the project site. A vacant lot (designated for future residential uses) is located north of the site, beyond which are single-family residences. Single-family residences are also located east of the site. In addition, commercial and industrial uses, such as the Madrone Food Market, the Rancho Motel, and Paramit Corporation, are located to the west and south of the site.

ANALYSIS

The proposed project has been analyzed with respect to consistency with the: 1) Design Permit Requirements and 2) California Environmental Quality Act.

1. Design Permit Requirements

A Design Permit 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 project falls under the Significant Projects designation. Any residential development of more than one hundred units is presumed significant. The Planning Commission reviews and acts on projects determined to be significant. 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 approximately 30 percent of 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. In addition, 70 percent of the site is Residential Attached Low which allows 6 to 16 dwelling units per acre. Because the proposed project would develop 100 percent deed-restricted affordable housing for lower income households, the proposed project is eligible to utilize an 80 percent density bonus above the base density in accordance with Government Code Section 65915(f)(3)(D)(i), which would allow a maximum density of 33.12 du/ac on the 7.5-acre project site. The proposed project would include multi-family residential uses at a density of 33 du/ac. Thus, the proposed project would be consistent with the General

Plan land use designations with approval of the density bonus. 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. The applicant's compliance checklist has been provided (Attachment 8).

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 and Residential Attached Low land uses allow 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 249-unit, multi-family affordable residential community conveniently located to 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 eight-inch water connections from the proposed buildings to the

existing 12-inch water mains in Monterey Road and Madrone Parkway. Additionally, new six-inch sanitary sewer lines extending from the proposed buildings would convey wastewater to a new sewer lift station near the southwest corner of the project site. From the lift station, wastewater would be pumped through a four-inch force main to a six-inch sewer line that would connect to the existing City sewer main in Monterey 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 stucco, fiber cement siding, stone veneer, metal awnings and composition shingle 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- term bike parking would be provided throughout the project site at a rate of 10 percent of the total number of vehicle parking spaces. The project site includes 56 short-term bicycle parking spaces. Because the land area required to provide long-term bicycle parking would require a reduction in the quantity of affordable housing units, long-term bicycle parking has not been provided. A sidewalk would be constructed along the Monterey Road frontage and along Taylor Avenue. In addition, ADA-compliant curb ramps would be provided at the intersection of Monterey Road and Cochrane Road, and new walkways and pedestrian crossings would be provided throughout the project site to provide continuous pedestrian connectivity. Future residents of the

proposed project would have convenient access to the existing bicycle facilities in the project area, including the marked bike lanes along Monterey Road, Cochrane Road, and Burnett Avenue.

Housing Element

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

The project is 100 percent affordable, generating 249 multi-family units. The applicant anticipates the project financing will include an allocation of Low Income Housing Tax Credits from the California Tax Credit Allocation Committee ("TCAC"), and that the project will be subject to a 55-year regulatory agreement with TCAC. The project will also be subject to the City regulatory agreement to provide rental housing to lower income households (workforce housing), with the exception that 7.5 percent of the affordable units (19 in total) will be restricted to very low-income households.

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 and RAL-3,500 Zone Districts. Zoning consistency is demonstrated in the following table:

Table 1.1 MU-F Zone District Compliance

Development Standard	MU-F	RAL-3,500	Proposed
Minimum Lot Size	6,000 Square Feet	3,500 Square Feet	7.54 acres
Minimum Lot Dimensions	60- foot width 100- foot depth	50- foot width 85- foot depth	Exceeds standards
Maximum Building Coverage	50 percent	50 percent	36 percent
Maximum Building Height	35 feet	35 feet	38 feet – Design Waiver
Floor Area Ratio	0.5	N/A	0.83 – Design Waiver
Setbacks			
Front	15 feet		15 feet
Rear	20 feet	20 feet	15 feet- Design Waiver requested
Interior Side	5 feet	15 feet or 20 feet for two story, adjacent to single-family district	15 feet (adjacent to RDM 7,000 district)
Street Side	10 feet	5 feet	30 feet

Parking

The proposed project would include a total of 428 parking spaces. Of the 428 parking spaces, 260 would be tandem carport spaces, 98 would be compact open spaces, 43

would be electric-vehicle (EV) ready parking spaces (nine of which would be required to have EV-charging stations in accordance with Morgan Hill Municipal Code Section 18.72.040), 14 would be standard open spaces, eight would be Americans with Disabilities (ADA)-compliant open spaces, and five would be single carport spaces. 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 while the Zoning Ordinance does require a slightly higher parking standard (1.5 spaces for 1 bedroom and 2.5 spaces for three bedrooms) the proposed parking ratios are higher than the maximum parking ratio a municipality can require under current state density bonus law for affordable projects.

Table 1.2 Parking Compliance

Unit Type	Number of Units	Municipal Code Parking Ratios (Table 18.72-2) and Requirements		Current State Density Bonus Parking Ratios and Requirements		Project Parking Ratios and Provided Parking	
One Bedroom	70 units	1 covered 0.5 uncovered per unit	70 covered 35 uncovered	1 space	70 spaces	1 space	70 spaces
Two Bedroom	116 units	1 covered 1 uncovered per unit	116 covered 116 uncovered	1.5 spaces	174 spaces	2 spaces	232 spaces
Three Bedroom	63 units	1 covered 1.5 uncovered per units	63 covered 94 uncovered	1.5 spaces	95 spaces	2 spaces	126 spaces
TOTALS	249 units	249 covered 245 uncovered		339 spaces		428 spaces	

Landscaping

According to the Tree Report prepared for the project, a total of 118 ordinance-sized trees are located on or adjacent to the project site: 23 trees inside the property boundaries, 16 trees along the property line, and 79 trees immediately off-site. A total of 28 indigenous Live Oak trees were identified within the survey area. While none of the off-site trees would require removal to accommodate the project, a total of 39 on-site trees would need to be removed, 15 of which are on the property line. Fourteen of the 39 trees proposed for removal are Live Oak trees having trunks greater than 5.7 inches in diameter; thus, these trees are considered indigenous and would require replacement pursuant to Section 12.32.080 of the Morgan Hill Municipal Code. The City is requiring that on-site replacement of Ordinance Size Trees at a minimum 1:1 ratio with 15-gallon minimum size trees.

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.

Anticipating removal of a majority of the existing trees, a landscape plan has been proposed (Attachment 9) 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 existing trees along Madrone Parkway and two live oak trees within the project site would be protected. As shown in the Preliminary Tree Plan, approximately 213, 24- to 36-inch box trees would be planted along the project site perimeters, surrounding the residential buildings, and along the drive aisles and parking medians. Street trees planted along Monterey Road would be chosen and designed in accordance with the Morgan Hill Master Street Tree Plan. The landscaping trees proposed along the western boundary adjacent to Monterey Road would consist of autumn blaze maple trees, consistent with the Morgan Hill Master Street Tree Plan; other project perimeter trees would include Chinese hackberry, Saratoga hybrid laurel, and holly leaf cherry trees. The proposed landscaping improvements would also include shrubs and bushes throughout the site. In addition, a six-foot high masonry wall would be constructed along the northern site boundary.

Design Waiver

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

1. Height: The maximum height requirement for development in MU-F sites is 35 feet and 30 feet within the RAL zone district. The proposed project includes a maximum height of 38 feet.

After accounting for required drive aisle widths, pedestrian access paths, open space and amenity requirements, and the California Fire Code, the site lacks surplus land area to accommodate mechanical equipment on the ground without also reducing the project density. A 4:2 roof pitch has been designed for roof mounted equipment (to include HVAC condenser dimensions consistent with this product type) should not be visible from a public right-of-way while also accounting for the 30-foot maximum roof access height required by the California Fire Code. The ultimate roof height of any given residential building may be closer to 35 feet rather than 38 feet given conditions that may be clarified during the permitting or construction stages of the project development. The Applicant's request for a 3-foot waiver allowance is intended to allow a reasonable amount of variance from the 35-foot standard where necessary.

2. Floor Area Ratio: The maximum FAR for project sites zoned MU-F in the City is 0.5. The current FAR on the site is calculated at 0.83.

The implementation of the FAR would physically preclude the construction of the develop at the density allowed by State Density Bonus Law.

3. Taylor Avenue Setback: The RAL-3,500 requires a 20-foot setback. The project is providing a 15- foot setback.

The Applicant requests a reduction in setback standards to maintain allowable density while also providing for adequate drive aisle widths and resident parking spaces behind Building 12. Accommodating a continuous 20- foot setback would require a reduction in surface parking spaces (physically precluding and thereby reducing the quantity of affordable housing units that can be built due to required parking ratios) or the construction of subterranean parking, which would add an insupportable cost burden to the project.

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 space dimensions, bicycle parking and storage and pavement design and with approval of the design waivers noted above.

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 three concessions. In addition, this project is requesting design waivers, as allowed by State 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 stucco, fiber cement siding, stone veneer, metal awnings and composition shingle roof. The level of architectural design is maintained on all facades of the development.

Perspective- Aerial View along Madrone Parkway



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.

Perspective- Southern View from Taylor Avenue



3. **Pedestrian Environment.** The proposed development incorporates sidewalks, connections to the public way to support an active public realm 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 will prepare a complete Safety and Security Plan, as required by the Morgan Hill Police Department. All parking and common areas will be lit to city standards. Security cameras will be situated to view parking and common areas. Emergency vehicular access has been provided along Taylor Avenue. A draft plan has been provided (Attachment 10).
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 Madrone Parkway of Leasing/Amenity Building



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. Architectural details that have been included into the design include trim, eaves, balconies, metal railing, stucco, fiber cement siding, stone veneer, and metal awnings.
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



MONTEREY & MADRONE
MORGAN HILL, CA # 2020-0298

MATERIAL BOARD

A8.0

10. **Parking and Access.** Parking areas have been located within the center of the project to the extent possible to minimize visual impacts from Monterey Road and Madrone Parkway. Safe and convenient connections are provided for pedestrians and bicyclist throughout the development.
11. **Landscaping.** The proposed landscape planting provides new trees, screen planting, low landscape walls, pottery, 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 68,917 square feet of common open space, consisting of parkways, one play lawn, a dog park, and a tot-lot. In addition, the proposed project would include seat benches, barbecues, and a shade structure at the tot-lot.
13. **Signs.** A separate sign application will be required for any project identification signage.
14. **Lighting.** A detailed photometric plan has been provided (Attachment 11). 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 split face block, and painted metal roof/gate.
16. **Mechanical Equipment, Trash Receptacles, and Utilities.** The proposed development provides enclosures for trash receptacles and utilities are screened by landscaping or on the roof.
- g. **For new residential development, the project complies with commitments made through the Residential Development Control System (RDSCS).**

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

4. **California Environmental Quality Act (CEQA)**

An Initial Study (IS) (Attachment 12) 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.

A Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (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 (August 6, 2021, through September 6, 2021).

The City received several comments during the NOI comment period and has provided detailed responses related to the CEQA document (Attachment 13) and non-CEQA related items (Attachment 14). In addition, based upon the comments received, revisions to the IS/MND have been prepared and are reflected in an errata sheet (Attachment 15). These changes do not affect the adequacy of the previous environmental analysis contained in the IS/MND. Because the changes presented would not result in any new significant impacts or a substantial increase in the severity of an environmental impact identified in the IS/MND, recirculation of the IS/MND is not required.

Based on evaluation of the potential impacts of the project, staff recommends adoption of the MND and Mitigation Monitoring and Reporting Program (MMRP) (Attachments 16 and 17). The MND and MMRP contain the applicable mitigation measures to reduce all potential impacts to less than significant levels.

CONCLUSION

The project has been found to be consistent with the General Plan, Zoning Code, City's Design Review Criteria and the City's Residential Development Design and Development Standards. It is recommended that the Planning Commission approve the Design 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.

Taylor Avenue Neighborhood Concerns

Throughout the processing of the application, the Taylor Avenue neighborhood has expressed concern that residents from the development would potentially utilize Taylor Avenue for overflow parking and cut-thru traffic. The residents are concerned with the overall impact that the project will have on their street, and have requested that either:

1. A six-foot masonry wall be provided along Taylor Avenue to the terminus on Madrone Parkway; or,
2. A six-foot fence with no gaps be provided.

The neighborhood would like to prevent pedestrian and vehicular traffic along Taylor Avenue that is not directly related to the those that live in the single-family homes.

Direct project access is provided from Monterey Road and Madrone Parkway. The main

driveway would be located along the southern project boundary on Madrone Parkway, and the secondary, right-only driveway would be located along the western project boundary on Monterey Road. All parking for the project is provided internal to the project.

The project is providing roadway frontage improvements along Monterey Road and Taylor Avenue. Taylor Avenue frontage improvements include new curb, gutter, and attached 5-foot sidewalk, as well as dedication of right-of-way. Improvements along Taylor Avenue would also include a restricted emergency vehicle access (EVA) entrance located centrally between Building 12 and Building 13.

In addition, consistent with the 2035 General Plan, Buildings 12 and 13 have been designed to minimize the impact on the neighboring properties, with two story elements, utilizing landscaping to soften the visual impact, and providing prominent and visible ground level entries facing Taylor Avenue.



4. Front



Providing a wall or fence would be inconsistent with the General Plan that requires an active and pedestrian-friendly public realm. The General Plan also prioritizes strategies that improve safety for students, pedestrians, and bicyclists. There is a specific Cul-de-

sac Connectivity policy, which states:

“Where safety permits, improve connectivity by requiring pedestrian and bicycle public access from a cul-de-sac to an adjacent public amenity, such as a park or school, or from a cul-de-sac to an adjacent street”

Preventing pedestrian access or bicycle access is a safety concern and would be inconsistent with the City’s General Plan. The City promotes integrated and connected neighborhoods and providing a pedestrian-friendly environment. Walling off this development would conflict with General Plan policies.

The project applicant met with representatives for the neighborhood on October 11, 2021, and discussed the overall concerns with the project. Although there were many comments submitted during the NOI comment period, the primary concern is the potential for increased pedestrian and vehicular use along Taylor Avenue. An additional meeting with the Developer and neighborhood representatives took place on October 18, 2021, where the primary concern was the neighborhood’s desire for a wall along Taylor Street to minimize traffic and parking congestion.

Although the Planning Division does not support a wall or fence along Taylor Avenue, we did want to provide an example of a fence detail submitted early in the process that was eliminated. Staff believes this fence feature does not support the General Plan policies and that pedestrian access should be maintained along Taylor Avenue.

Taylor Avenue- Option Iron Fence Detail



LINKS/ATTACHMENTS:

1. PC Resolution - MND and MMRP
2. PC Resolution Project Decision
3. Resolution No. 21-018 Density Bonus for SR2020-0027 Monterey-Miner (Jemcor)
4. Regulatory Agreement Recorded
5. Project Plans (Weblink)
6. Architectural Plans (Weblink)
7. Exception Letter
8. Development Design and Development Standards Compliance Checklist

9. Landscape Plans (Weblink)
10. Security Plan - October 2021
11. Photometric Plan
12. Initial Study (Weblink)
13. Responses to Comments-CEQA related
14. Response to Comments-NON-CEQA items
15. Monterey-Miner IS Errata
16. Mitigate Negative Declaration
17. Mitigation Monitoring Reporting Program
18. Item 2 - Supplemental No. 1
19. Item 2 - Supplemental No. 2
20. Item 2 - Supplemental No. 3
21. Item 2 - Supplemental No. 4
22. Item 2 - Supplemental No. 5
23. Item 2 - Supplemental No. 5
24. Item 2 - Supplemental No. 6 Applicant Presentation
25. Item 2 - Supplemental No. 7
26. Staff Presentation

RESOLUTION NO. 21-12**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 MONTEREY-MINER (JEMCOR) (APN 726-36-059).**

WHEREAS, prior to the adoption of this Resolution, the Planning Division of the City of Morgan Hill prepared an Initial Study and a Mitigated Negative Declaration for the Monterey-Miner Project (Planning File No's. SR2020-0027 and EA2020-0020) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended ("CEQA"), and state and local guidelines implementing CEQA; and

WHEREAS, the Monterey-Miner Project ("Project") analyzed within the Initial Study/Mitigated Negative Declaration consisted of the request for a Design Permit to develop a 249-unit multi-family residential community for property located north of the Monterey Road and Madrone Parkway intersection (APN:726-36-059); and

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

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

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

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

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

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

NOW, THEREFORE, 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: [Monterey-Miner \(Jemcor\) | City of Morgan Hill, CA - Official Website](#) rather than in person.

PASSED AND ADOPTED THIS 26th DAY OF OCTOBER 2021, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

City of Morgan Hill
Resolution No. 21-12
Page 3 of 3

ABSTAIN: **COMMISSIONERS:**

ABSENT: **COMMISSIONERS:**

ATTEST:

JENNA LUNA, Deputy City Clerk

APPROVED:

MALISHA KUMAR, Chair

Date: _____

Attachment: PC Resolution - MND and MMRP [Revision 2] (3188 : Monterey-Miner (Jemcor))

RESOLUTION NO. 21-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A DESIGN PERMIT FOR A 249-UNIT, MULTI-FAMILY AFFORDABLE RESIDENTIAL COMMUNITY FOR PROPERTY LOCATED NORTH OF THE MONTEREY ROAD AND MADRONE PARKWAY INTERSECTION FOR MONTEREY-MINER (JEMCOR) (APN 726-36-059)

WHEREAS, on November 20, 2020, Jemcor Development Partners submitted an application for a Design Permit for a 249-unit, multi-family affordable residential community (SR2020-0027: Monterey-Miner (Jemcor)); and

WHEREAS, such requests were considered by the Planning Commission at its meeting of October 26, 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.

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 Monterey-Miner Project (Planning File No's. SR2020-0027 and EA2020-0020) 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. Design Permit Findings (MHMC Section 18.101.040.J)

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

The City of Morgan Hill 2035 General Plan designates approximately 30 percent of 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. In addition, 70 percent of the site is Residential Attached Low which allows 6 to 16 dwelling units per acre. Because the proposed project would develop 100 percent deed-restricted affordable housing for lower income households, the proposed project is eligible to utilize an 80 percent density bonus above the base density in accordance with Government Code Section 65915(f)(3)(D)(i), which would allow a maximum density of 33.12 du/ac on the 7.5-acre project site. The proposed project is a multi-family residential use being developed at a density of 33 du/ac. Thus, the project is consistent with the General Plan land use designations with approval of the density bonus. SB 330 supersedes the Municipal Code requirement of a BLMP/PD Master Plan/Conditional Use Permit required for housing on this site.

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. 21-018 on April 21, 2021, with three 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 density bonus design concessions by the City Council. In addition, the project is entitled to design waivers, as allowed by density bonus law. The project has been granted waivers for building height, floor area ratio and setbacks along Taylor Avenue.

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 4. The Planning Commission approves SR2020-0027: Monterey-Miner (Jemcor). The design shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit "A". Minor deviations to the site review permit may be approved by the Development Services Director when consistent with the overall intent of the project.

PASSED AND ADOPTED THIS 26th DAY OF OCTOBER 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: _____

EXHIBIT "A" STANDARD CONDITIONS

APPLICATION NO: SR2020-0027/EA2020-0020: Monterey-Miner (Jemcor)

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 249-unit, multi-family affordable residential community. The existing warehouse structure and single-story building within the southwestern portion of the project site would be demolished as part of project development. The 249 units would be distributed throughout two, two-story buildings and 12, three-story buildings. The two, two-story buildings (Building 12 and Building 13) have been designed as two-story structures to soften the transition between the proposed project's three-story buildings and the existing single-family homes east/northeast of the project site on Taylor Avenue.

Of the 249 units, 246 would be affordable to lower income households, and three of the units would be manager's units. The proposed residences would consist of one-, two- and three-bedroom units varying between 617 square feet and 1,122 square feet. An approximate 4,000 square-foot one-story clubhouse would be located to the east of Building 1, near the main project entry on Madrone Parkway. The clubhouse would be accessible to all residents and would include a fitness room, a computer room, a kitchen, a clubroom, a mailroom, and public restrooms. The leasing office and associated workrooms would also be located in the clubhouse.

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.

Concessions/Design Waivers

1. Parking Space Dimensions: Garage tandem parking spaces have been reduced to 10 feet by 18 feet.

2. Bicycle Parking and Storage: Covered and long-term bicycle parking is not required for the project.
3. Design Standard No. 38- Pavement Design: The Residential Development Design and Development Standards requires projects to incorporate decorative, pervious paving into paved and landscaped areas by 10 percent to reduce the visual impact of paved surfaces. The project has reduced decorative pavement material to 2 percent.
4. Height: The maximum height requirement for development in MU-F zone district is 35 feet and 30 feet within the RAL zone district. The proposed project includes a maximum height of 38 feet.
5. Floor Area Ratio: The maximum FAR for project sites zoned MU-F in the City is 0.5. The project has a maximum FAR of 0.83.
6. Taylor Avenue Setback: The RAL-3,500 requires a 20-foot setback. The project is providing a 15- foot setback.

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

- A. Design Review SR2020-0027
- B. Environmental Assessment EA2020-0020

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.** If construction is proposed during the breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist and submitted to the City of Morgan Hill Development Services Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, no further mitigation is required and construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).

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

- B. **MM- IV-2.** The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

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

- Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over one inch in diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.
- A temporary fence shall be constructed as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. 'No parking or storage' signs shall be posted outside/on the fencing. Postings shall not be attached to the main stem of the tree.
- Vehicles, equipment, pedestrian traffic, building materials, debris storage, and/or disposal of toxic or other materials shall not be permitted inside of the fenced off area.
- The project applicant shall avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is

unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction.

- Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond.
- The 'rooting' area shall be mulched with an acidic, organic compost or mulch.
- The project applicant shall arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as such conditions occur, or as appropriate.
- Subject to the discretion of the Development Services Department, individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within the above general guidelines.

Geology and Soils

- C. **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 Director of Public Works/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 Engineering Study prepared for the proposed project by Geo-Engineering Solutions are properly incorporated and utilized in the project design.

Hazards and Hazardous Materials

- D. **MM-IX-1.** Under the oversight of the Santa Clara County Department of Environmental Health (SCCDEH), the project applicant shall remove all wrecked vehicles and scrap metal from the site prior to implementation of the Workplan for Shallow Soil Remediation prepared by GeoSolve (April 12, 2021). The SCCDEH shall oversee implementation of the Workplan for Shallow Soil Remediation, which shall include, but shall not be limited to, the excavation and disposal of the COCs identified in the environmental investigations conducted by Earth Systems Pacific (March 26, 2020) and GeoSolve (October 5, 2020) by a State-licensed hazardous waste contractor, and the collection of confirmation soil samples to be analyzed by a state-certified hazardous waste testing laboratory for diesel (TEPHd), motor oil (TEPHmo), chromium, lead, and nickel . A qualified field geologist shall be present to observe excavation, disposal, and soil collection activities. The field geologist shall prepare a report summarizing the results of the Workplan for Shallow Soil Remediation upon completion of soil remediation

activities. The report shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to demolition activities.

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

Noise

- F. **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.
- G. **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 noise-sensitive receptors 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.

- H. **MM-XIII-3.** Mechanical equipment shall be selected and designed to reduce impacts on surrounding to meet the City's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and the installation of noise barriers, such as enclosures or parapet walls to block the line-of-sight between the noise source and the nearest receptors. The proposed mechanical equipment systems and noise reduction measures shall be included on project improvement plans and building plans, subject to review and approval by the City of Morgan Hill Development Services Department.
- I. **MM-XIII-4.** During construction activities associated with the proposed project, any compaction required within 26 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department.

Transportation

- J. **MM-XVII-1.** The project applicant shall install a dedicated eastbound left-turn lane on Madrone Parkway to serve the project driveway. The turn lane shall be designed in accordance with City standards and included on project Improvement Plans to be reviewed and approved by the City Engineer.
- K. **MM-XVII-2.** The project applicant shall install a right-turn channelization island at the Monterey Road Driveway with the project site to restrict inbound and outbound left-turns at the driveway. Design of the channelization island shall be included on project Improvement Plans to be reviewed and approved by the City Engineer.

III. PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set date stamped January 4, 2021 on file (File Number SR2020-0027) 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 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 approval granted pursuant to this Resolution shall remain in effect for two years to October 26, 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)**

SITE DEVELOPMENT

- A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with the Ruggeri-Jensen-Azar plans dated March 2021 and KTG Architecture and Planning plans dated January 8, 2021 (SR2020-0027) and in accordance with Morgan Hill Municipal Code Section 18.108.040 (Design Permit) and approved by the Development Services Department prior to issuance of a building permit. All such plans shall include:
1. Detail depicting all concrete curbs as full formed.
 2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing.
 3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.
 4. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscaping. **(MHARH p.20, 45, 79)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
 5. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.

- 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
Multi-family dwellings	10 percent of required automobile spaces; min. of 4 spaces

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. **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.
3. **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.

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).
- 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 the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 feet or greater to match the height of any proposed equipment. **(MHARH p.48, 65, 87, 106)**
- B. **Building mounted lighting:** Lighting fixtures shall not project above the fascia or roofline of the building. Any ground mounted lighting projecting onto the building or site shall be subject to the review and approval of the Development Services Director. Adjustment to the lighting intensity may be required after the commencement of the use. **(MHARH p. 67, 109)**
- C. **Architectural elements:** 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.

- 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.

- B. Planting and irrigation working drawings:** Detailed landscape planting and irrigation working drawings shall be submitted to the Development Services Director for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.

- C. **Lighting:** Walkways and pedestrian pathways in landscaped areas or common areas not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions. **(MHARH p.30, 67, 108)**
 - 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)**

SIGNS

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

HABITAT PLAN

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

for site clearing or temporary stockpile of dirt). (MHMC 18.132)

AIR QUALITY

A. **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

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. Prior to start of grading or earthmoving activity on the "first day of

construction”, the archeologist and Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of “cultural sensitivity training” with the general contractor and subcontractors.

2. An archaeologist and a Tamien Nation Tribal Monitor 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 shall halt immediately within fifty 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 shall prepare a brief informal memo/letter in collaboration with a tribal representative 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 shall determine if the resource can be avoided and shall detail avoidance procedures in a formal memo/letter; and
 - d. If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative 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. 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:
3. 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.

- 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.
4. 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.
 5. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
 6. 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.
 7. The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:
 - The City of Morgan Hill Development Services Director (408) 779-7247
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900

- The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
 - The Tamien Nation (707)295-4011 (office) and (925)336-5359 (THPO)
8. 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.
 9. 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.)
 10. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
 11. 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.
 12. 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.

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 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.

ENGINEERING DIVISION

PROJECT SPECIFIC

- A. **STORMWATER:** Although this project is located within the jurisdiction of the San Francisco Bay (Region 2) Regional Water Quality Control Board (RWQCB), the City's Residential Development Design and Development Standards require that the project comply with the requirements of the Central Coast Region (Region 3) as documented by the Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements ("Stormwater Guidance Manual"). In addition, since the City's National Pollutant Discharge Elimination System (NPDES) Permit was issued by the Central Coast Region (Region 3), the NPDES Permit provisions can be applied to this project. The project shall comply with the following at improvement plan/building permit stage:
 1. Add complete Hydrograph model results in the final Stormwater Control Plan/Report (SWCP) to confirm drawdown times.
 2. Perform site-specific infiltration tests at the locations of the proposed underground infiltration facilities at appropriate depths corresponding to the bottom of BMP facilities. Additional review of the underground infiltration facilities will be performed at improvement plan/building permit stage after results of site-specific infiltration tests are obtained.
 3. Submit the analysis and drainage calculations for the site's detention/retention facilities.

4. Show a site-specific construction detail for the underground infiltration facilities.
5. Provide verification that the Stormchamber includes enough sediment trap devices (i.e. pretreatment devices) throughout the Stormchamber manifold to meet water quality treatment requirements.
6. Provide verification that there are adequate inspection ports in the Stormchamber for operation & maintenance.
7. Include specific details and notes on the Erosion Control Plan to protect the Stormchamber areas until construction is complete & stabilized.
8. The project's final SWCP shall include the following:
 - a. Completed hydrograph model results to confirm drawdown times.
 - b. Signed and dated Performance Requirement Checklists.
 - c. A copy of the project's Stormwater BMP Operation & Maintenance Agreement.
 - d. An Operation & Maintenance Plan that includes all items listed in Section 8 of the Stormwater Management Guidance Manual.
9. Trash Enclosure Areas:
 - a. Show the pad for the enclosure designed to drain inward, and the grade surrounding the enclosure designed to not drain into the enclosure.
 - b. Within the trash enclosure, install an area drain with an approved (Zurn) vandal proof drain and plumb to the sanitary sewer system with grease trap. Locate the grease trap within the trash enclosure footprint.
10. Direct runoff from the proposed dog park area away from the existing offsite, privately-owned Madrone Business Park stormwater quality basin that is located on APN: 726-35-021.

B. STREET IMPROVEMENTS

1. The widths of the driveway approaches at Monterey Road and Madrone Parkway shall be 24'.
2. At improvement plan/building permit stage, upgrade the existing curb ramp on the northeast corner of the Monterey Road/Madrone Parkway intersection to current American with Disabilities Act (ADA) standards to be consistent with the City's Street Standard Details.
3. Detailed review of the proposed street improvements, including Broadband design, will be performed at the improvement plan stage.
4. At improvement plan stage, the project will be required to evaluate the pavement condition of Monterey Road and improve the street, as necessary, to meet current City standards for arterials. Evaluation may involve pavement core sampling at multiple locations to the satisfaction of the City Engineer.
5. **Traffic Mitigation Measures:** At improvement plan stage, show the following traffic mitigation measures on the improvement plans for City review:

- a. Dedicated eastbound left-turn lane on Madrone Parkway to serve the project driveway.
- b. Right-turn channelization island at the Monterey Road driveway to restrict inbound and outbound left-turns at the driveway.
6. **Bus Stop Improvements:** At improvement plan stage, the plans shall be referred to Valley Transportation Authority (VTA) to confirm the required bus stop placement and bus stop improvements.

C. **UTILITIES**

1. Align the 6" sewer lateral perpendicular to the existing City sewer main at Monterey Road in accordance with City Standard drawings S-2 and S-3. There shall be no direct lateral connections into City sewer manhole facilities.
2. The project's fire service(s) shall be reviewed at improvement plan/building permit stage and is subject to the approval by the City Engineer and the City's Fire Prevention Division. The fire service(s) shall be separate from the private, on-site domestic water main and shall have a separate public lateral tap.
3. The project's irrigation service(s) shall have a separate public lateral tap.
4. **Private Sanitary Sewer Maintenance Agreement:** Prior to building permit issuance or prior to building final, the Owner(s) shall enter into a Private Sanitary Sewer Maintenance Agreement with the City for maintenance of all private sanitary sewer facilities which includes the private sewer mains, sewer laterals, force main and lift station. The Agreement shall be recorded at the County Recorder's Office prior to building final.

GENERAL

- A. **Public and Private Improvements:** The applicant shall cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. **(MHMC 12.02.090 A; 17.32.010 A)**
- B. **Improvement Plans:** The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the project and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer. (MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)
 1. Improvement plans are to show water lines, sanitary sewer, storm drain system, pavement widths, curve radius, and existing utilities.
- C. **Encroachment Permit:** Obtain an encroachment permit from the City of Morgan Hill and provide guarantee covering off-site improvements. (MHMC 12.08.040 A; 12.08.090)

- D. **Improvement Agreement:** Enter into an Improvement Agreement] with the City of Morgan Hill to cover required improvements. (MHMC 12.02.150; 17.32.010 B; 17.32.160)
- E. **Impact Fees and 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)
 - 1. The developer shall pay all applicable impact fees and other engineering review fees prior to building permit issuance and at building final. The fees shall be based on the Public Works Fee Schedule prepared by Land Development Engineering.

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 Road and Taylor Avenue. (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 Road and Madrone Parkway. (MHMC 12.02.010; 12.02.50; 12.02.080; 12.02.100; 17.28.010)

- 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)**
- F. **Street Trees:** The proposed street trees shall comply with the street tree species and spacing listed under the applicable zone in the Master Street Tree List of the City's Master Street Tree Plan.

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)**

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. 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).**

F. NPDES General Permit/Site SWPPP Inspections and Compliance:

1. ALL project onsite and offsite construction activity shall have the site inspected by a **qualified third party SWPPP Inspector (QSD or QSP or RCE).**
2. SWPPP Inspections shall occur weekly during the rainy season (September 15th thru May 1st).

3. SWPPP Inspections shall occur bi-weekly during the non-rainy season.
4. 48 hours prior to and following a forecasted rain event, SWPPP Inspections shall occur in addition to those of items 2 or 3 above.
5. Per each of the inspection conditions 2, 3, or 4, the NPDES SWPPP Inspector shall certify in writing to the Building and 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 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.

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. **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.
- D. **Final Landscape Plans:** Final landscape plans shall be submitted with and included as part of the improvement plans for the subdivision. **(MHMC 17.08.090)**
- E. **Pre-construction Meeting:** Prior to 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

NPDES WATER QUALITY STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- A. **Stormwater 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. **Provide Storm Drain System Stenciling and Signage** - Storm drain stencils are highly visible source controls that are typically placed directly adjacent to storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. All storm drain inlets and catch basins within the project area must be stenciled with

prohibitive language (such as: “NO DUMPING – DRAINS TO CREEK”) and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.

- D. **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.
- E. **Stormwater Runoff Management Plan (SWRMP)** The stormwater runoff management plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.
1. The stormwater runoff management plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved stormwater runoff management plan.

2. The City Engineer or designee may require a developer to provide a signed certification from the civil engineer responsible for preparing the stormwater runoff management plan that all stormwater best management practices have been designed to meet the requirements of this chapter.
- F. **Stormwater BMP operation, maintenance, and replacement responsibility**
1. Prior to building final, the property owner(s) shall submit a signed certification (with signature, date & license number/seal) certifying that all post-construction stormwater management/BMP facilities shown on the as-built drawings were inspected by the civil engineer (or by a qualified 3rd party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.
 2. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s) or other legal entity approved by the City.
 3. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
 4. 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.
- G. **Stormwater BMP operation and Maintenance Agreement (SWBOMA) required** - 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 BMPs. The City standard Stormwater BMP Operation and Maintenance Agreement will be provided by Land Development Engineering at building permit/improvement plan stage.
- H. **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 **certified Qualified Stormwater Practitioner (QSP)**.
 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 QSP. Written records shall be kept of all inspections and shall include, at minimum, the following information:

- a. Site address;
 - b. Date and time of inspection;
 - c. Name of the person conducting the inspection;
 - d. List of stormwater facilities inspected;
 - e. Condition of each stormwater facility inspected;
 - f. Description of any needed maintenance or repairs; and
 - g. As applicable, the need for site re-inspection.
3. Upon completion of each inspection, an inspection report shall be submitted to Land Development Engineering.
- I. **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.
- J. **Annual Certification of SWRMP** – On or before September 30th of each year a Registered Civil Engineer (RCE) shall provide written certification that the developments stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

BUILDING DIVISION

- A. **California Code of Regulations:** Project shall be designed to comply with the 2019 California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15.
- B. **Compliance with Morgan Hill Municipal Code:** Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:
 1. MHMC 15.65 Sustainable Building Regulations.
 2. MHMC 18.72.040 C. Electric Vehicle Charging.
 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)
- C. **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. **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.

- B. **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 15.44.120)**
- C. **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.
- D. **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)**
- E. **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)**
- F. **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)**
- G. **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 15.44.140)**

- H. **Required Access to Buildings.** Portions of the structure(s) are greater than 150 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 15.44.120)**
- I. **Private on-site Fire Service Mains and Hydrants:** Installations shall conform to National Fire Protection Association Standard #24, and the City of Morgan Hill Standard Details and Specifications. Provide plan submittal to the City of Morgan Hill for review and approval prior to installation.
- J. **Aerial Fire Apparatus Access Roads:** 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 25 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.
- K. **Parking Along Roadways:** The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to face of curb. Parking spaces are based on an 8-foot-wide space. **(CFC Section 503)**
- L. **Requirements for Secondary Access Roads (Shall be completed prior to exceeding 101 units)**
 - 1. Separation of access roads. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length

of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses (from centerline to centerline).

2. Connection to other roads: Where a secondary access roadway connects to a public or private street there shall be either; no curb, a rolled curb or a driveway cut as approved by the fire code official.
3. Easements: Only lands owned or in control of the property owner, held in common with adjacent properties or publicly owned may be used for secondary access. Secondary access roadways shall not be located in easements through private property unless specifically approved by the fire code official. When easements are required for secondary access roadways, they shall be recorded as Emergency Vehicle Ingress Egress Easements (E.V.I.E.E) granted to the Fire Department.

POLICE DEPARTMENT

- A. Safety and Security: The Police Department shall review and approve a safety and security plan for the facility including a security camera plan prior to the issuance of a building permit or site development permit, whichever one is issued first.

HOUSING DIVISION

- A. Inclusionary Housing Agreement: The developer shall execute and record an Inclusionary Affordable Housing Agreement with the City prior to issuance of a building permit. (MHMC 14.04.050)

RESOLUTION NO. 21-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL GRANTING AN 80 PERCENT DENSITY BONUS AND THREE CONCESSIONS FOR MONTEREY – MINER (JEMCOR) FOR A 249-UNIT AFFORDABLE HOUSING DEVELOPMENT TO BE LOCATED AT THE NORTHEAST CORNER OF MONTEREY ROAD AND MADRONE PARKWAY (APN: 726-36-059).

WHEREAS, Jemcor Development Partners has requested an 80 percent density bonus and three concessions for the affordable housing development including reduced parking space dimensions for enclosed garages, the elimination of covered and long-term bicycle storage and the reduction of decorative pavement.

WHEREAS, the Project is an affordable housing development project that includes 100 percent affordable rental units for lower income houses (excluding managers unit).

WHEREAS, pursuant to Government Code Section 65915(f)(3)(D)(i), the Project is entitled to a density bonus of 80 percent of the number of units for lower income households.

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 Monterey-Miner (Jemcor) project to be located at the northeast corner of Monterey Road and Madrone Parkway and identified by Assessor's Parcel Number 726-36-059 will provide a public benefit of a 100 percent affordable housing and will be deed restricted for 55 years, or the density bonus and three concessions granted for the reduced parking space dimensions for enclosed garages, the elimination of covered and long-term bicycle storage and the reduction of decorative pavement 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 three concessions for the Monterey-Miner (Jemcor) project.

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

City of Morgan Hill
Resolution No. 21-018
Page 2 of 2

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 21st day of April 2021 by the following vote:

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

APPROVED:

DocuSigned by:
Rich Constantine
02FAE5B057884E7

RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:
Michelle Bigelow
C0FCB7EAB7C4C8...

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.21-018, adopted by the City Council at the meeting held on April 21, 2021.

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

DATE: 4/23/2021

DocuSigned by:
Michelle Bigelow
C0FCB7EAB7C4C8...

MICHELLE BIGELOW, City Clerk

Attachment: Resolution No. 21-018 Density Bonus for SR2020-0027 Monterey-Miner (Jemcor) (3188 : Monterey-Miner (Jemcor))

25038963

Regina Alcomendras

Santa Clara County - Clerk-Recorder

07/23/2021 11:02 AM

Titles: 1 Pages: 9

Fees: \$49.00

Tax: \$0

Total: \$49.00

RECORDING REQUESTED BY:

Chicago Title Company

Escrow No.: 98202903-982-SK

Title No.: 98202903

**WHEN RECORDED MAIL DOCUMENT AND
TAX STATEMENT TO:**

**Century Housing Corp
1000 Corporate Pointe
Culver City, CA 90230**

APN: 726-36-059

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned declares exemption under the following:
Exempt from fee per GC 27388.1 (a) (2); recorded in
connection with a transfer subject to the imposition of
documentary transfer tax

**REGULATORY AGREEMENT
GOLDEN STATE ACQUISITION FUND**

DOCUMENT TITLE

Attachment: Regulatory Agreement Recorded (3188 : Monterey-Miner (Jemcor))

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Century Housing Corporation
1000 Corporate Pointe, Suite 200
Culver City, California 90230
Attn: Legal Department

REGULATORY AGREEMENT
Golden State Acquisition Fund

This Regulatory Agreement (the “Agreement”), dated July 14, 2021, for reference purposes only, is made and entered into by and between JS III Village at Madrone LLC, a California Limited Liability Company (the “Borrower”) for the benefit of Century Housing Corporation, a California nonprofit corporation (the “Lender”), the California Department of Housing and Community Development (“HCD”), and GSAF, LLC, a California limited liability company, (“GSAF”), and recites as follows:

RECITALS:

- A. Borrower is requesting a loan (the “Loan”) from Lender for the purposes of acquiring that certain property located at 1700 S El Camino Real, Suite 400, San Mateo, California 94402 and more particularly described in Exhibit A hereto (the “Property”). The Loan is made pursuant to the terms and provisions of that certain Loan Agreement of even date herewith (the “Loan Agreement”) and such other documents and instruments as are referred and defined therein as the Loan Documents. Unless otherwise provided, the capitalized terms herein shall have the defined meanings set forth in the Loan Agreement.
- B. Lender has entered into an Origination and Participation Agreement dated December 14, 2012 (the “Participation Agreement”) with GSAF pursuant to which GSAF has provided 25% of the Loan funds (the “GSAF Funds”). The GSAF Funds were obtained by GSAF from HCD pursuant to that certain Loan Agreement—Golden State Acquisition Fund dated December 14, 2012 (the “HCD Loan Agreement”). In this regard, use of the GSAF Funds is restricted and otherwise governed by the terms and provisions of the HCD Loan Agreement as well as the Participation Agreement (collectively, the “HCD/GSAF Requirements”);
- C. The HCD/GSAF Requirements require that the Property may only be developed for Affordable Housing. “Affordable Housing” means a residential project containing units that are either: 1) for-sale homeowner units subject to enforceable restrictions that limit the incomes of at least the initial owner-occupants to Lower Income Households (an “Affordable Homeownership Project”), or 2) rental units subject or that will be subject to enforceable public agency restrictions that limit occupancy to households earning no more than 60% of Area Median Income, at Affordable Rents (an “Affordable Rental Housing Project”). “Affordable Rents” and “Area Median Income” shall have the meanings set forth or referenced in 25 CCR 7301. “Lower Income Households” shall have the meaning set forth in California Health and Safety Code Section 50079.5 (i.e. households earning no more than 80% of Area Median Income).
- D. As further consideration for the Loan, Borrower has agreed to enter into this Agreement. The purpose of this Agreement is to regulate and restrict the occupancy, rents, operation, ownership and management of the Property in compliance with the Golden State Acquisition Fund Program

Attachment: Regulatory Agreement Recorded (3188 : Monterey-Miner (Jemcor))

Guidelines, a copy of which is attached to the Rider to the Loan Agreement (the “GSAF Program Guidelines”).

NOW, THEREFORE, the parties hereto agree as follows:

1. Recitals. The foregoing recitals are a part of this Agreement.
2. Compliance with GSAF Program Guidelines; Prohibited Transfers. Except with the prior written approval of Lender and GSAF, Borrower shall not:
 - a. make any sale, assignment, lease, conveyance, or transfer in any other form of the Property or any interest therein to any party for purposes other than the development and operation of Affordable Housing (a “Prohibited Transfer”); and/or
 - b. use, or permit the use of, the Property in any way that would result in noncompliance or nonconformance with any of the GSAF Program Guidelines.

Subject to the terms and provisions of this Agreement, Borrower hereby agrees that if it engages in a Prohibited Transfer then, in addition to the rights and remedies referenced in Section 6.a. and 6.b. below, such Prohibited Transfer shall be subject to Equity Recapture provisions, set forth in Section 6.c. below. In addition, Borrower acknowledges that it is familiar with the GSAF Program Guidelines and has access to professional advice to the extent necessary to enable Borrower to fully comply with and conform to the GSAF Program Guidelines.

3. Affordable Housing. Anything in this Agreement to the contrary notwithstanding, Affordable Housing shall include the following “Eligible Projects” as set forth in the GSAF Program Guidelines which must be located in the State of California and must be:
 - a. Rental housing projects where 100% of the units [other than a manager’s unit(s)] are or will be restricted to occupancy by households earning not more than 60% of the area median income at Affordable Rents, or
 - b. Housing built for sale to Lower-Income Household buyers as homeownership units, including
 - (1) Fee simple ownership, including condominiums or other common interest subdivisions;
 - (2) limited-equity co-ops;
 - (3) manufactured housing units located on a rented space in a mobile home park;
 - (4) leasehold interest on real property that enables the lessee to make improvements on and encumber the property and has a term sufficient to secure a conventional first mortgage loan (e.g. a community land trust); or
 - c. Mobile home units and parks, where no less than 50% of the units in the park are restricted to occupancy by Lower-Income Households; or

- d. For the purposes of subsection (e) and (f) below, "Affordable Housing" means a residential project, or portion thereof, where all the units meet the criteria for units set forth in subsection (a) of section 102 of the GSAF Program Guidelines; or
- e. Mixed-use projects (commercial and residential occupancies on the same site) are eligible for Project Loans covering all acquisition costs, provided no less than 75% of the total square footage is to be developed as Affordable Housing; or

If less than 75% of the proposed square footage is to be developed as Affordable Housing, the percentage of the acquisition cost eligible to be paid with Project Loan proceeds shall be reduced to an amount equal to the percentage of the project that meets these requirements; or

- f. Mixed-income residential housing projects are eligible for Project Loans covering all acquisition costs if 75% or more of the number of proposed residential units are to be developed as Affordable Housing. If less than 75% of the proposed residential units are to be developed for Affordable Housing, the percentage of the acquisition cost eligible to be paid with Project Loan proceeds must be reduced to an amount equal to the percentage of the project that is affordable.

4. Term of Agreement.

- a. Unless terminated sooner pursuant to Section 4(b), 4(c), or 4(d) below, this Agreement shall commence on the date set forth above and (except as set forth in the following paragraphs of this Section 4) remain in full force and effect, and shall apply to the Property and any and all development thereon, through and including the fifty-fifth (55th) anniversary of the date of recordation of this Agreement regardless of any prepayment of the Loan or any sale, assignment, transfer, encumbrance, or conveyance of the Property.
- b. With respect to any Affordable Homeownership Project developed on the Property, upon the completion of such Affordable Homeownership Project this Agreement shall apply only to the residential units that are required to be sold to Lower Income Households (as set forth in the Loan Agreement)(the "Affordable Homeownership Units") and shall not apply to any units that are not Affordable Homeownership Units and/or to any non-residential portions of such Affordable Homeownership Project. This Agreement shall automatically terminate as to each Affordable Homeownership Unit upon the sale of such Affordable Homeownership Unit to a qualified Lower Income Household.
- c. With respect to any Affordable Rental Housing Project developed or to be developed upon the Property, this Agreement shall automatically terminate upon the close of any other project financing that includes occupancy guarantees and/or the recording against the Property of any other Affordable Housing regulatory or restriction agreement.
- d. The covenants and restrictions imposed on the Property pursuant to this Agreement shall be subordinate to the lien of the deed of trust that secures the Loan. In this regard, this Agreement and the covenants and restrictions herein shall terminate upon any transfer of the Property pursuant to a foreclosure of such deed of trust or a deed in lieu of such foreclosure.

5. Review and Inspections.

- a. At any time during the term of this Agreement, Lender, or HCD or their designees may enter and inspect the physical premises and inspect all records pertaining to the construction, development or operation of the Property.
- b. Lender and/or HCD may request any other information that it deems necessary to monitor compliance with the GSAF Program Guidelines, the HCD/GSAF Requirements and the requirements set forth in this Agreement. Borrower shall promptly provide such information.

6. Violation of Agreement by Borrower.

- a. In the event of Borrower's breach, violation or default in the performance of any covenant, agreement or obligation of Borrower set forth in this Agreement (a "Default"), Lender may treat such Default as an Event of Default under the Loan Agreement.
- b. In addition the rights and remedies that Lender has under the Loan Documents with respect to a Default (including, without limitation, the right to accelerate the maturity of the Loan and foreclose upon the Property), Lender shall also have the right to apply to any court, state or federal, for specific performance of this Agreement, injunctive relief, or for such other relief as may be appropriate in order to compel Borrower to comply with this Agreement and/or to prevent Borrower from violating this Agreement.
- c. In addition to the rights and remedies referenced in a. and b. above, if Borrower transacts a Prohibited Transfer, Lender shall be entitled to recover from Borrower damages (an "Equity Recapture") in an amount equal to (i) the amount of the consideration received by Borrower from such Prohibited Transfer less (ii) the sum of the amount of the Loan and any other loans obtained by Borrower to acquire and pre-develop the Property plus Borrower's actual cash equity contributions towards such acquisition and predevelopment. The foregoing shall not prevent Lender from recovering other damages and amounts to which it is entitled under the Loan Agreement, any other Loan Document, and/or under applicable law.
- d. The remedies of Lender hereunder and under the other Loan Documents are cumulative, and the exercise of one or more of such remedies shall not be deemed an election of remedies and shall not preclude the exercise by Lender of any one or more of its other remedies.
- e. Until such time that the Loan is repaid in full, without the prior written consent of Lender, HCD shall not exercise any rights or remedies it may have against Borrower, including, but not limited to foreclosure or other realization upon any collateral. Notwithstanding the foregoing, HCD shall be entitled to exercise and enforce against Borrower all other covenants under this Agreement relating to income, rent, or affordability restrictions upon prior written notice to Lender. In this regard, HCD may pursue an action directly against Borrower to recover the Equity Recapture (if any) upon Lender's prior written consent, provided, however, that the proceeds therefrom will be allocated first toward repayment of the Loan. As set forth under the Participation Agreement, GSAF may not communicate or meet with Borrower regarding the Loan.

7. Amendment. This Agreement shall not be altered or amended except in writing, executed between both parties hereto.
8. Partial Invalidity. If any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.
9. Covenants Run with the Land; Binding on Successors; Benefited Parties. Lender and Borrower hereby declare their express intent that, until this Agreement terminates as provided in Section 4 above, the covenants and restrictions set forth in this Agreement shall run with the land, and touch and concern the Property in that Borrower's legal interest in the Property is rendered less valuable thereby. The benefit of the restrictive covenants set forth in this Agreement touch and concern the land by providing Affordable Housing opportunities for Lower Income Households and other low income households. The aforesaid households, together with the Lender, HCD, and GSAF, are the intended beneficiaries of such covenants and restrictions.

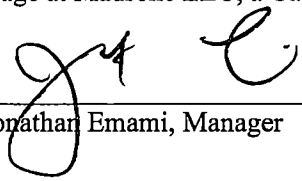
The covenants and restrictions in this Agreement bind all successors-in-interest to the Property; provided, however, that on the expiration hereof (as provided in Section 4 above) the restrictive covenants herein shall automatically expire. Each and every contract, deed or other instrument hereafter executed covering, or conveying or otherwise transferring the Property or any portion thereof, will be held conclusively to have been executed, delivered and accepted subject to such covenants and restrictions. The foregoing applies regardless of whether such covenants or restrictions are set forth in such contract, deed or other instrument, and regardless of whether the terms of these restrictive covenants are actually known to such other party or parties unless Lender expressly releases such conveyed portion of the Property from the requirements of this Agreement.
10. Indemnification. Borrower agrees to indemnify Lender, GSAF, and their agents, employees and officers against, and holds Lender, GSAF, and their agents, employees and officers harmless from, any losses, damages, liabilities, claims, actions, judgments, court costs and legal or other expenses (including attorneys' fees) of every name, kind and description, which such parties may incur as a direct or indirect consequence of Borrower's failure to comply with this Agreement (including, without limitation, any of the GSAF Program Guidelines). The foregoing indemnity shall include, without limitation, claims or actions asserted or brought by against Lender by HCD or GSAF and actions brought against GSAF by HCD.
11. Attorneys' Fees. The prevailing party in any action to enforce this Agreement shall be entitled to reasonable attorneys' fees as determined by the trier of fact in that forum.

Signatures on following pages

Attachment: Regulatory Agreement Recorded (3188 : Monterey-Miner (Jemcor))

IN WITNESS WHEREOF the parties hereby execute and enter into this Agreement as of the date first set forth above and agree to be bound hereby:

Borrower: JS III Village at Madrone LLC, a California Limited Liability Company

By: 

Jonathan Emami, Manager

Borrower Address: 1700 South El Camino Real, Suite 400
San Mateo, California 94402

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

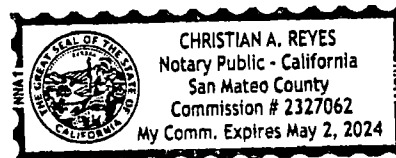
County of San Mateo)

On July 21, 2021 before me, Christian A. Reyes Notary Public, personally appeared Jonathan Emami, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

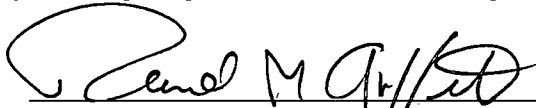
WITNESS my hand and official seal.





Lender: Century Housing Corporation, a California nonprofit corporation

By:


 Ronald M. Griffith, President and CEO

Lender Address: 1000 Corporate Pointe, Suite 200
 Culver City, California 90230

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

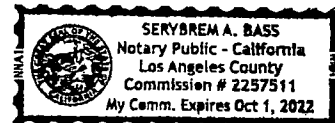
County of Los Angeles)

On July 14, 2021 before me, Serybren A. Bass, Notary Public, personally appeared Ronald M. Griffith, who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.





Attachment: Regulatory Agreement Recorded (3188 : Monterey-Miner (Jemcor))

EXHIBIT A TO REGULATORY AGREEMENT**LEGAL DESCRIPTION**

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

Being a portion of the Remainder Parcel as shown on that certain Parcel Map filed for record on October 4, 2000 in Book 732 of Maps at Pages 30, 31, 32 and 33 Santa Clara County Records and all that certain real property described in the Deed from Montalvo Company to Investment Enterprises filed for record on April 27, 1956 in Book 3479 of Official Records at Page 420, Santa Clara County Records and being more particularly described as follows:

Beginning at a point on the Northwestern line of the Remainder Parcel, said point being the Easterly terminus of the Southwesterly right-of-way line of Taylor Avenue as shown on the above mentioned Parcel Map; thence along the Southwesterly line of Taylor Avenue North 39° 36' 52" West, 346.90 feet to a point on the dividing line between Lots 27 and 28 as shown on the Map entitled "Peebels Tract" filed for record on May 13, 1887 in Book "B" of Maps at Page 63, Santa Clara County Records; thence along said dividing line South 51° 47' 36" West, 415.80 feet to the corner common to Lots 12, 13, 27 and 28 of said Peebels Tract; thence along the dividing line between Lot 12 and Lot 27 and Lot 11 and Lot 26, North 39° 37' 24" West, 150.00 feet; thence running parallel with the Northwestern line of Lot 13, South 51° 47' 36" West, 217.90 feet to a point on the Northeasterly line of the parcel of land described as Parcel Two in the Deed from William F. Morris to George Karres, filed for record on December 15, 1949 in Book 1892 of Official Records, Page 571, Santa Clara County Records; thence along the Northeasterly line of Parcel Two and Parcel One as described in the above mentioned Deed from Morris to Karres and the Northeasterly line of land described in the Deed from Montalvo Company to The Western United Company, filed for record on December 22, 1953, in Book 2782 of Official Records at Page 214, Santa Clara County Records the following courses and distances: thence South 39° 37' 24" East, 220.00 feet; thence South 51° 47' 36" West, 4.00 feet; thence South 39° 37' 24" East, 87.34 feet to the most Easterly corner of lands of Western United Company; thence along the Southeasterly line of said lands, South 51° 47' 36" West, 186.00 feet to the Northeasterly right-of-way line of Monterey Road as established by the Decree of Condemnation for record on December 30, 1947, in Book 1545 of Official Records at Page 372, Santa Clara County Records; thence along said line of Monterey Road, South 18° 18' 31" East, 24.50 feet; thence South 39° 29' 24" East, 159.00 feet; thence South 60° 40' 17" East, 42.87 feet; thence South 39° 28' 20" East, 51.00 feet; thence South 50° 30' 36" West, 6.00 feet; thence South 39° 29' 24" East, 26.00 feet; thence North 50° 30' 36" East, 5.99 feet; thence South 39° 28' 20" East, 15.16 feet to the Northwestern line of lands of TBI-Mission West, LLC as shown on that certain Parcel Map recorded in Book 732 of Maps at Pages 30, 31, 32 and 33, Santa Clara County Records; thence along said line North 50° 28' 36" East, 182.78 feet; thence along the Southeasterly line of the Remainder Parcel, North 50° 55' 14" East, 236.47 feet; thence leaving said line North 39° 38' 44" West, 192.70 feet to the Northwestern line of the Remainder Parcel; thence along said line, North 50° 54' 16" East, 168.81 feet; thence South 39° 38' 44" East, 82.27 feet; thence North 50° 55' 36" East, 229.53 feet to the point of beginning.

Said Parcel shown above being pursuant to that certain Certificate of Compliance Lot Line Adjustment recorded May 17, 2001, as Instrument No. 15682072, Official Records Santa Clara County.

APN: 726-36-059

ADDRESS: 18960 Monterey Road, Morgan Hill, California 95037

Attachment: Regulatory Agreement Recorded (3188 : Monterey-Miner (Jemcor))



March 17, 2021

[Sent via email]

Jennifer Carman and Gina Paolini
Development Services Department – Planning Division
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, California 95037

RE: SB 330 and REVISED STATE DENSITY BONUS LAW SUBMITTAL
Proposed Affordable Housing Apartment Community
NE Corner of Monterey Road and Madrone Parkway
Santa Clara County APN 726-36-059

Dear Ms. Carmen and Ms. Paolini:

On behalf of JEMCOR (Applicant) for the proposed affordable housing apartment community at the Northeast corner of Monterey Road and Madrone Parkway (“Project”), we continue to request that this submittal be recognized and considered pursuant to SB 330 and State Density Bonus Law as a 100% deed-restricted affordable rental housing development, with requests refined as described in this letter.

SB 330

As previously identified, as an eligible housing development project, the Applicant intends to seek SB 330 processing. This letter follows the submittal of the preliminary application on June 26, 2020 pursuant to Government Code Section 65941.1.1(a). It is further noted that preliminary application submittal establishes a form of “vesting” such that an application is deemed complete for the purposes of the Housing Accountability Act as of the date that the preliminary application was submitted. (Govt. Code §65589.5(h)(5))

This letter follows the full development application previously submitted on October 6, 2020 and revisions submitted on November 4, 2020 and January 20, 2021, pursuant to Government Code Section 65941.1(d). Now that the City has had an opportunity to identify incomplete items, we look forward to the determination within 30 days of whether the revised application package includes the information required by the incomplete list and the conclusion of the completeness process pursuant to SB 330. (Govt. § 65943(a),(b))

PROJECT SUMMARY

State Density Bonus Law – Election of Evaluation Criteria

The Applicant requests that Staff evaluate any Project requests related to State Density Bonus Law (Govt Code 65915 and AB 1763) and as specifically subject to Government Code Section 65915(b)(1)(G) and (c)(1)(B)(ii) for 100% affordable rental housing projects with an allocation of federal low-income housing tax credits. The Project will be 100% affordable rental housing exclusive of the manager units.

100% Affordable Rental Housing

The proposed project would include 249 total units, comprising 246 affordable units and 3 manager units. The Applicant anticipates the project financing will include an allocation of Low Income Housing Tax Credits from the California Tax Credit Allocation Committee (“TCAC”), and that the project will be subject to a 55-year regulatory agreement with TCAC, which will satisfy the requirements set forth in Government Code section 65915(c)(1)(A). The regulatory agreement shall include the household income eligibility restrictions identified in Government Code section 65915(b)(1)(G) and the rent restrictions set forth in Government Code section 65915(c)(1)(B)(ii).

The terms of the regulatory agreement will also address and satisfy the obligations under Chapter 14.04 of the Morgan Hill Municipal Code (“Inclusionary Requirement”). Specifically, any maximum rent restrictions placed on the project by the City pursuant to the Inclusionary Requirement will be satisfied within (not in addition to) the 20 percent of lower income unit rent restrictions described in Government Code section 65915(c)(1)(B)(ii)(I), with the remaining 80 percent of lower income rents restricted solely as described in Government Code section 65915(c)(1)(B)(ii)(II).

The statements above supersede any prior references to the project’s “Very Low Income” or “Low Income” units or rents. In addition, the Applicant makes no representation to the City as to the applicability of the project to any requirement the City may have regarding its regional housing needs requirements.

Primary Objectives

The Applicant’s primary objective is to optimize the site’s ability to contribute quality new affordable housing stock to the City of Morgan Hill, the County of Santa Clara, and the State of California.

The Applicant has worked with its architect and civil engineer to ensure a total unit count sufficient to make a meaningful contribution to the ongoing need for affordable housing, while also working to ensure that the project remains financially feasible with no requirement for subsidy funds from public agencies, including the City of Morgan Hill. To the extent the site’s specific physical, land use, or statutory requirements would impair the project’s ability to meet its primary objective, we respectfully request that the City appreciate the balance the Applicant is trying to create to the benefit of all parties and to the community at large.

While working to be compliant wherever possible with objective standards established by the City’s Residential Development Design and Development Standards (December 2019), the Applicant has also relied on features of SB 330, California’s Density Bonus law (including AB 1763), and the Housing Accountability Act to inform and guide specific design and engineering solutions.

State Density Bonus Law Requests

In the spirit of collaboration, the specific concession or waiver requests provided by State Density Bonus Law have been further revised from those included in prior submission letters dated October 6, 2020, November 4, 2020, and January 20, 2021. Throughout the process, several project modifications have been made to reduce the number of requests under the State Density Bonus Law; however, the Applicant reserves the right to make further requests in the future.

Allowable Density Calculation Before and After Utilization of the State Density Bonus

Given the site's split General Plan land use designations, the maximum density allowed before any density bonus is applied can be calculated by combining separate calculations for each designation. In our estimation, the City's General Plan Land Use Map (dated December 6, 2017) identifies approximately 70% of the site area as Residential Attached Low (6 – 16 Du/Ac) and approximately 30% of the site area as Mixed-Use Flex (7 – 24 Du/Ac). To the Applicant's knowledge there is no more precise delineation of land use designation shares for the site.

Prior to the application of any State Density Bonus, then, the land use split above provides a base allowed total unit count of 139 units. Because the proposed project will be 100% deed-restricted affordable housing for lower income households, it is eligible by right to utilize an 80% density bonus (Govt. Code § 65915(f)(3)(D)(i)) (adopted pursuant to AB 1763)) above the base density. Utilizing the full allowance of this density bonus would yield a total unit count of 250 units (139 units x 180%). *Please see Appendix A to this letter for a detailed account of these calculations.*

Required Parking Ratio in Compliance with State Density Bonus

In accordance with current State Density Bonus requirements (Govt. Code § 65915(p)(l)), the proposed project will provide one parking space per one bedroom unit and two parking spaces per two or three bedroom unit (inclusive of ADA and guest parking). As proposed, the project meets this standard as shown in the table below.

Parking:

Unit Type	Req'd Ratio	Req'd Parking
1 Bedroom	1 sp/DU	70 spaces
2 Bedroom	2 sp/DU	232 spaces
3 Bedroom	2 sp/DU	126 spaces
Total Required		±428 (1.7 spaces per unit)

Parking Type	Provided Parking
Tandem Carport Spaces	260 spaces
Single Carport Spaces	5 spaces
Standard Open Spaces	14 spaces
Compact Open Spaces	98 spaces
ADA Open Spaces	8 spaces
EV-Ready Spaces	43 spaces
Total Provided	±428 (1.7 spaces per unit)

Despite not seeking the maximum allowable density per the State Density Bonus Law, the Applicant remains eligible to utilize the balance of tools the State Density Bonus Law provides to aid the production of new affordable housing.

Anticipated Applicant Requests for Concessions or Design Standard Waivers

Incentives or Concessions: Because the project will be 100% deed-restricted affordable housing, a total of 4 concessions or incentives may be requested by the Applicant (Govt. Code § 65915(d)(2)(D)) (adopted pursuant to AB 1763)). Incentives or concessions may include reductions in development or architectural design standards intended to reduce the cost of construction in to facilitate the development of affordable housing (Govt. Code § 65915(k)(1)).

The Applicant currently requests the following three concessions and reserves the right to alter its requested concessions if needed as the project is further refined following the City's official response to this application:

- Parking Space Dimensions (RDDS § 15; Morgan Hill Municipal Code § 18.72.060.B.2 and § 18.108.070.B.1.f):* The proposed project meets the City's requirement in all cases other than the use of a partial compact dimension within the enclosed garage spaces, where instead of each tandem garage space measuring 10' x 20', two tandem spaces are each proposed at 10' by 18'. As proposed, the project provides only the 428 parking spaces required, with no surplus parking area to convert to other uses, and with no other surplus land area sufficient to otherwise repurpose without significantly reducing or eliminating open space and amenity areas, creating conflicts with other elements of the Morgan Hill RDDS, or violating other zoning or fire code requirements. Specifically, the project architect estimates that at 50-60 vehicle parking spaces would need to be removed to increase tandem garage space depths from 36' to 40'. Deepening these garage space depths would expand the building footprints of every building by 4', which would then reduce adjacent drive aisle widths below those required by the Morgan Hill Fire Department. Rather than reduce drive aisle depths, the additional 4' of garage bay depth would instead need to come from a significant reduction in the depth of adjacent open vehicle parking spaces, which would effectively eliminate those parking spaces as they would also then fall short of their minimum required depth of standard or compact spaces as required by the Morgan Hill zoning code. The net result would equate to the loss of approximately 50 – 60 open vehicle parking spaces which, at a required 1.7 spaces/unit parking ratio, would equal a loss of approximately 30 - 35 units from the site's maximum allowable density (please see Attachment 2 to Applicant's Response dated March 17, 2021 to City Notice of Application Incompleteness dated February 19, 2021). While this item is appropriately categorized as a waiver, the Applicant is willing to allow the City to evaluate this item as a concession per Staff's request. Taken as a concession request, the additional cost burden that compliance with this item would create (while otherwise maintaining the existing unit mix in compliance with all other requirements of the Morgan Hill or California design standards or building codes) would be to construct subterranean vehicle parking spaces to replace the surface-level vehicle parking spaces lost to accommodate standard parking space dimensions. A conservative estimate to construct subterranean parking for this purpose would likely add \$50K - \$70K of additional cost per vehicle parking stall. Taken against the estimated 50 - 60 surface spaces required to meet standard parking space dimensions for both tandem spaces (see notes above), compliance with this item would therefore add several million dollars of cost that the project economics are unable to feasibly support.
- Bicycle Parking and Storage (Morgan Hill RDDS § 17):* While the project does meet the City's quantitative requirement for short-term bicycle parking (56 total), it will not meet the City's requirement for covered bicycle parking or provide any long-term bicycle parking. The Applicant's consultants have estimated that the land area required to provide covered short-term bicycle parking per City standards would require twice the land area required for uncovered short-term bicycle parking, removing 8–12 vehicle parking spaces from the balance of the project, while providing long-term bicycle parking spaces per City standards would further reduce vehicle parking by an additional 5 spaces. Taken separately or together, these changes would require either a substantial reduction in surface parking spaces from the greater project, physically precluding and thereby reducing the quantity of affordable housing units that can be built due to required parking ratios (please see Attachment 1 to Applicant's Response dated March 17, 2021 to City Notice of Application Incompleteness dated February 19, 2021). While this item is appropriately categorized as a waiver, the Applicant is willing

to allow the City to evaluate this item as a concession per Staff's request. Taken as a concession request, the additional cost burden that compliance with this item would create (while otherwise maintaining the existing unit mix in compliance with all other requirements of the Morgan Hill or California design standards or building codes) would be to construct subterranean vehicle parking spaces to replace the surface-level vehicle parking spaces lost to provide long-term bicycle storage lockers. A conservative estimate to construct subterranean parking for this purpose would likely add \$50K - \$70K of additional cost per vehicle parking stall. Taken against the estimated 8 – 12 surface spaces required to meet the long-term bicycle requirement (see notes above), compliance with this item would therefore add several hundred thousand dollars of cost that the project economics are unable to feasibly support.

- *Pavement Design (Morgan Hill RDDS § 38)*: We understand there is a new requirement that 10% of the paved surface area are composed of decorative paving material. The project provides decorative paving materials for a total of 2% of its paved areas. Given the size of the site, increasing what has been provided by 5x would add significant and unnecessary additional cost burden to the property that affordable housing economics are not designed to support. As we understand that the 10% paving requirement has recently been adopted, the proposed project, with the requested concession, will not differ from recently completed communities in the city. The cost difference between pavement and a decorative concrete or paver is 4-5x higher.

Waivers or Reductions of Development Standards: Separate from requests for incentives/concessions, the State Density Bonus Law allows a qualifying Applicant to request a waiver or reduction of development standards. Government Code Section 65915(e) provides that no city shall “apply any development standard that will have the effect of physically precluding the construction of a development meeting the [affordable housing] criteria at the densities or with the concessions or incentives permitted by [the SDBL].”

For ease of reference, the State Density Bonus Law reads as follows relative to reductions or waivers from development standards:

“Development standard' includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, policy, resolution, or regulation.” (Govt. Code 65915(o)(1))

“A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the Applicant is entitled.” (Govt. Code 65915(e)(2))

The Applicant requests the following reductions or waivers of development standards and reserves the right to request additional reductions or waivers if needed as the project is further refined:

- *Building Height (Morgan Hill Zoning Code Table 18.22-2)*: In its letter dated December 18, 2020, the City requested an explanation as to how the maximum building height of the project (38') complies within a zoning district with a 35' height limit. After accounting for required drive aisle widths, pedestrian access paths, open space and amenity requirements, and the California Fire Code, the site lacks any meaningful surplus land area to accommodate mechanical equipment on the ground without also reducing the project density or, further, without violating Morgan Hill RDDS § 34, which requires that all mechanical equipment

(specifically, “all roof mounted equipment”) be screened in a manner that “so as not to be visible from the public right-of-way, common areas, or contained within an enclosed structure”. As elsewhere in the project planning, the project architect has sought the most appropriate balance of RDDS requirements and optimal density wherever possible. To specifically ensure compliance with Morgan Hill RDDS § 34, a 4:2 roof pitch has been designed such that all roof mounted equipment (to include HVAC condenser dimensions consistent with this product type) should not be visible from a public right-of-way while also accounting for the 30’ maximum roof access height required by the California Fire Code (please see Figure 1 below). However, the architect also notes that the ultimate roof height of any given residential building may be closer to 35’ than 38’ given conditions that may be clarified during the permitting or construction stages of the project development. The Applicant’s request for a 3’ waiver allowance in this regard is intended to allow a reasonable amount of variance from the 35’ standard where necessary to accommodate the balance of objectives outlined herein.

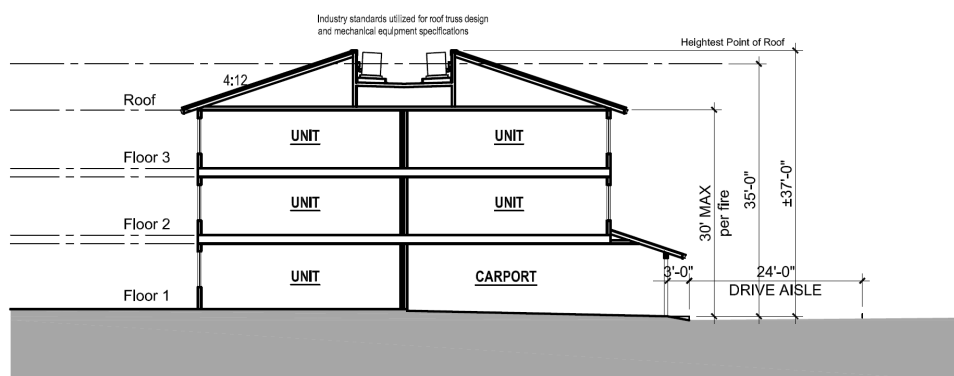


Figure 1

Further, the Applicant notes that Building 12 and Building 13 were voluntarily and deliberately designed as two-story structures to soften the transition between the project and the existing single-family homes east and north of the property on Taylor Avenue. While not a requirement of the RDDS or State Density Bonus Law, the Applicant feels this was a common-sense approach to balancing optimal density, project viability, and the RDDS while also trying to be thoughtful about the project’s single-family neighbors.

- FAR Requirement within the MU-F Portion of the Site (Morgan Hill Zoning Code Table 18.22-2):* As you know, the project site has two zoning designations. The MU-F zoning carries a 0.5 Floor Area Ratio (FAR) limit. However, it is the Applicant’s understanding that the FAR standard applies to any nonresidential projects/components as separate “residential density” (24 du/ac) standards are provided for residential development (Table 18.22-2). Further, the definition of Floor Area Ratio includes references to “nonresidential” components. (Zoning Code 18.128.050). For the sake of information, if FAR were calculated for the portion of the site within the MU-F, it would be 0.8 FAR. This would conflict with the density allowed by the 24 du/ac standard. Any zoning requirement (FAR, Du/Ac, et cetera) that would otherwise reduce the maximum allowable density provided under the General Plan land use element (in this case, 24 Du/Ac before density bonus) should be disregarded as provided by Govt. Code § 65915(o)(2), which states that:

"Maximum Allowable Density" means the density allowed under the zoning ordinance and

land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail."

- *Front Setbacks Along Taylor Avenue (Morgan Hill Zoning Code Table 18.22-3):* Given a slight angle to the parcel boundary, the northeastern site boundary (the ‘front setback’ of the RAL 3,500 portion of the site) along Taylor Avenue requires a reduction in design standards against the RAL zoning requirement for a 20’ front setback. At its narrowest point, the front setback along Taylor Avenue will be approximately 15.7’. The Applicant requests a reduction in setback standards to maintain allowable density while also providing for adequate drive aisle widths and resident parking spaces behind Building 12. Accommodating a continuous 20’ setback at this point of the site would require a reduction in surface parking spaces from the greater project (physically precluding and thereby reducing the quantity of affordable housing units that can be built due to required parking ratios) or the construction of subterranean parking, which would add an insupportable cost burden to the project.

The Applicant has otherwise worked to be compliant with Morgan Hill’s Residential Development Design and Development Standards (December 2019) wherever possible. Based on our current understanding of the City’s standards, the Applicant believes the proposed project complies with all other objective requirements not otherwise addressed in this letter.

Please contact us with questions you may have. We look forward to moving this project ahead.

APPENDIX A

Calculation of Maximum Allowable Density Per the Morgan Hill General Plan Land Use Map (December 2017)

MONTEREY-MADRONE SITE (APN 726-36-059)

Total Site Acres	7.536
General Plan Land Use Designation	Residential Attached Low (6 - 16 Du/Ac), Mixed-Use Flex (24 Du/Ac)
Maximum DU Allowed After State Density Bonus	250
Maximum Density Allowed After State Density Bonus	33.12 Du/Ac

RESIDENTIAL ATTACHED LOW PORTION			
Share of Total Land Area Shaded as RAL on GP Land Use Map	70%		
Total Land Acres Designated RAL	5.28		
	Du/Ac Allowed	Before 80% SDB ¹	After 80% SDB ¹
		DU Allowed	DU Allowed
DU Allowed Per General Plan	16	84	152
Maximum DU Allowed - Residential Attached Low Portion			152

MIXED-USE FLEX PORTION			
Share of Total Land Area Shaded as MU-F on GP Land Use Map	30%		
Total Land Acres Designated MU-F	2.26		
	Du/Ac Allowed	Before 80% SDB ¹	After 80% SDB ¹
		Du Allowed	DU Allowed
DU Allowed Per General Plan	24	54	98
Maximum DU Allowed - Mixed-Use Flex Portion			98

¹ Because the proposed project will be 100% deed-restricted affordable housing for Very Low Income and Low Income households, it is eligible by right to utilize an 80% density bonus above the base density (Govt. Code § 65915(f)(3)(D)(i)) and AB 1763.

	Exhibit A - City of Morgan Hill Residential Development Design and Development Standards		
	Project Name: Monterey and Madrone Apartments		
	Applicant: JEMCOR		
	Architect: KTGy		
	Civil: RJA		
	Landscape: MJS Landscape Architecture		
	Date: 11/04/2020		
	DESIGN AND DEVELOPMENT STANDARD	RESPONSIBLE CONSULTANT	NARRATIVE / RESPONSE
	A. Development Services Requirements		
1	Affordable Housing and Accessory Dwelling Units	Applicant	The proposed project will be 100% deed-restricted affordable housing for families. It will carry a regulatory term of 55 years and will be restricted to 50% AMI (Very Low Income) and 60% AMI (Low Income) households. The property will provide between 25 and 74 Very Low Income units and between 172 and 221 Low Income units. One unit will be designated for the on-site property manager. The precise mix of Very Low Income and Low Income units will be determined at the time the Applicant submits its application to the California Debt Limit Allocation Committee and California Tax Credit Allocation Committee for an allocation of tax-exempt bonds and Low Income Housing Tax Credits. Please see Applicant's Submittal Letter dated November 4, 2020 for further detail.
	Inclusionary Housing and Below Market Rate Program		
	The project complies with Chapter 14.04 "Inclusionary Housing" which requires at least fifteen percent of all units in residential projects be inclusionary units that shall be made available at affordable rents or affordable sales prices as established in Chapter 14.04. The inclusionary units shall be approved, and construction of the inclusionary units shall be completed not later than the times prescribed in Section 14.04.050 of the Morgan Hill Municipal Code, unless an alternative requirement is approved pursuant to Section 14.04.070 of the Morgan Hill Municipal Code. (GP Policy HE-1rr)		
	Projects with two or more units shall demonstrate compliance by providing the following:		
	• For-Sale Projects in Downtown Specific Plan (DTSP) area: Designate 10 percent of the dwelling units at affordable sales prices to moderate-income households		
	• For-Sale Projects Outside DTSP area: Designate 15 percent of the dwelling units at affordable sales prices to moderate-income households		
	• Rental Projects in DTSP area: Designate 10 percent of the dwelling units at affordable rents by low-income and very low-income households. At least one-half of required units to be offered to very low-income households		
	• Rental Projects Outside the DTSP area: Designate 15 percent of the dwelling units at affordable rents by low-income and very low-income households. At least one-half of required units to be offered to very low-income households		
	The Applicant shall provide details regarding the number of inclusionary units, the level(s) of affordability, the location and type of inclusionary units, and timing of construction of inclusionary units in relation to the construction of the market-rate units contained in the development.		
	If proposing to satisfy the requirement by an alternative means of compliance, Sufficient information and documentation are provided as required by Section 14.04.070.		
	Proposal of in-lieu fee payment is subject to approval by City Council.		
2	Accessory Dwelling Unit (ADU) Requirements	RJA	Not applicable. There are no ADUs in the Project.
	If the project includes ADU's, the project shall comply with Chapter 18.84 Accessory Dwelling Units of the Morgan Hill Municipal Code.		
	Site Planning		
3	Zoning Compliance	RJA	As discussed with Staff during the Applicant's Preliminary Submission, the site comprises both Residential Attached Low (RAL-3,000) and Mixed-Use Flex (MU-F) land use designations under the City's General Plan Land Use Map dated December 6, 2017. The Applicant interprets the Map to identify approximately 70% of the site as Residential Attached Low and 30% as Mixed-Use Flex. To the Applicant's knowledge (to include discussion with Staff during the Preliminary Submission phase), there is no more precise delineation of land use designation shares for the site. Regarding the proposed density calculation across the totality of the site, the base land use designations would therefore indicate 70% of the site as 6 - 16 Du/Ac (for the RAL-3,000 portion) and 30% of the site as 7 -- 24 Du/Ac (for the MU-F portion), or a total base allowance of 139 units across the site's +/- 7.54 acres. Because the proposed project will be 100% deed-restricted affordable housing for Low and Very Low-Income households, it is then eligible by right to utilize an 80% density bonus (Govt. Code § 65915(f)(3)(D)(i)) and AB 1763) above the base density. Utilizing the full allowance of this density bonus would yield a total unit count of 250 units (139 units x 180%). The proposed project falls slightly below this threshold at a proposed 249 units. Please see Appendix A to the Applicant's Submittal Letter dated November 4, 2020 for a detailed account of these calculations.
	Project complies with the applicable zoning district standards:		
	a. Residential Estate Districts (RE-10, RE-2.5, RE-1). Refer to Table 18.16-2 of the Morgan Hill Municipal Code.		
	b. Residential Detached Low and Medium Density Districts (RDL-20,000, RDL-12,000, RDM-9,000, RDM-7,000). Refer to Table 18.16-3 of the Morgan Hill Municipal Code.		
	c. Residential Detached High Density District Development (RDH-4,500). Refer to Table 18.16-4 of the Morgan Hill Municipal Code.		
	d. Residential Attached Low Density Districts (RAL-3,500, RAL-3,000) Refer to Table 18.18-2 of the Morgan Hill Municipal Code.		
	• Alternative Standards also available. Refer to Table 18.40-2.		
	e. Residential Attached Medium Density (RAM). Refer to Table 18.18-3 of the Morgan Hill Municipal Code.		
	• Alternative Standards also available. Refer to Table 18.40-2.		
	f. Residential Attached High Density (RAH). Refer to Table 18.18-3 of the Morgan Hill Municipal Code.		
	g. For projects that include residential units within the Mix Use Neighborhood (MU-N) and Mixed Use Flex (MU-F) Districts, refer to Table 18.22-2 of the Morgan Hill Municipal Code.		
	h. For project that include residential units within the Downtown Specific Plan refer to the development standards provided within the Downtown Specific Plan.		
	i. Whenever a requirement of an overlay zone or combining district conflicts with a requirement of the underlying base zone, the overlay zone or combining district requirement shall control.		
4	Orientation to an existing street	RJA	Primary building entrances front to Madrone Parkway and Monterey Road (Building 1 and Clubhouse-Monterey, Building 3-Madrone). Buildings 12 and 13 front Taylor Avenue. See Sheet DR-04 .
	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)		
5	Intersection Sight Distance/Clear Vision Triangle	RJA	Site vision triangles are maintained at the driveway entrances off Monterey Road and Madrone Parkway. See Sheets DR-03 through DR-06 for graphic locations.
	For projects located adjacent to pedestrian crossings or street intersections, a "Clear Vision Triangle" (see figure below) is provided to comply with the City's Municipal Code Section 18.92.080, Intersection Sight Distance. This triangular area ensures that drivers, bicyclists and pedestrians have clearer views of crossing traffic, which improves intersection safety for all parties. No structure, vehicle, object or landscaping over three feet in height may be placed within a clear vision triangle. Trees pruned at least eight feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a clear vision triangle. The areas subject to these standards are those portions of the Clear Vision Triangle areas located on private property outside the public right-of-way.		
	Where the required front and side yards for a project measure less than 25 feet when combined, the distance of each of the two sides of the clear vision triangle along the property lines will be 15 feet.		
	The City Engineer or designee may approve alternative clear vision triangles under circumstances where the above requirements cannot be met.		
6	Sound Walls	Illingworth & Rodkin	At this time, the Applicant is not proposing sound walls along the project's Monterey, Madrone, or Taylor frontages. An acoustical study dated 20 October, 2020 has been provided as part of Applicant's submission package.
	An Acoustical Analysis shall be provided to demonstrate need for noise impact mitigation. Site planning and design techniques shall be utilized to minimize the use of sound walls. Sound wall is allowed if required to meet noise standards and Applicant has demonstrated that other forms of mitigation are not available as described herein.		
	Application demonstrates that other forms of mitigation such as installation of earth berms; increasing the distance between the noise source and the receiver; intervening placement of non-sensitive structures such as parking lots, utility areas, and garages to shield noise sensitive areas; orienting buildings to shield outdoor spaces from the noise sources; and minimizing noise at its source; are not available.		
	If a sound wall is allowed, the maximum height of the sound wall shall be eight feet. Dimension shall be as determined in the acoustical analysis. Residential projects adjacent to the freeway shall meet the criteria as described in SSI-9.3 of the General Plan. The sound wall must be landscaped or vegetated for aesthetic purposes and to prevent graffiti and vandalism. (GP Policy CNF-8.14, SSI-8.9, 9.2, 9.3, 9.4, 9.6, and 9.7		
7	Agriculture Buffer	RJA	Not Applicable. The project is not adjacent to an active agricultural use.
	If the project is located adjacent to an active agricultural use, an open space easement has been provided to buffer between the active agricultural use that are adjacent to the proposed project and new development. The size and configuration of the buffer is a minimum of 100 feet between the active agriculture use and the nearest new structure as measured from the property line. (GP Policy NRE-4.9)		
8	On-Site Recreational Amenities	MJS	The proposed project complies with all requires of a 249-unit project. Specifically, it provides the following amenities across the three required tiers: <u>Tier 1 (2 Required)</u> 14 Benches - Sheet L.1 1 picnic/barbeque area with 2 pedestal-mounted barbeques and ash urns - Sheet L.1
	The project has provided on-site recreational amenities to serve residences based on the following table: 16 - 50 units Tier 1:2 Tier 2:2 51-100 units Tier 1:2 Tier 2:2 Tier 3:1 101-150 units Tier 1:2 Tier 2:2 Tier 3:2 151 + units Tier 1:2 Tier 2:3 Tier 3:3 201 + units Tier 1:2 Tier 2:3 Tier 3:3		

Attachment: Development Design and Development Standards Compliance Checklist (3188 : Monterey-Miner (Jemcor))

	<u>Tier 1 amenities:</u> Shuffleboard Horseshoes Bowling green with artificial turf Picnic/barbeque area Park benches Passive water features (e.g. fountain) Passive recreation area and/or gardens		<u>Tier 2 (3 Required)</u> Shade Trellis Area - Sheet L.1 Exercise structure (age-appropriate tot lot with minimum 3 activities integrated into structure) - Sheet L.1 Dog park including outdoor dog-wash station - Sheet L.1 <u>Tier (3 Required)</u> Kitchen (within Clubhouse) - Sheet A5.4 Exercise Room (within Clubhouse) - Sheet A5.4 Restroom Area (within Clubhouse) - Sheet A5.4
	<u>Tier 2 amenities:</u> Cabana or shade trellis area Two picnic/barbeque areas Clubhouse Volleyball court and/or Bocce ball court Outdoor racquetball/handball tilt-up wall Dog Park Sauna and/or Jacuzzi Community garden plots (minimum one forty-eight-square-foot plot per each ten dwelling units) with water service located in an area that will get a minimum of six hours of direct sun when trees mature ½ court basketball (one hoop) Bridle paths Bocce ball Artificial turf putting green Exercise structure or complex (age appropriate play equipment/minimum three activities; can be integrated in structure)		
	<u>Tier 3 amenities:</u> • Softball field • Sports court and/or 2 1/2-court basketball courts (two hoops) • Restroom area • ½ scale soccer field • Exercise structure or complex (age appropriate play equipment/minimum five activities; can be integrated in structure) • Jacuzzi and separate child wading pool • Tennis court • Recreation hall with exercise equipment and/or game equipment • Exercise room • Clubhouse w/ kitchen • Swimming pool (GP Policy- Housing element HE-4)		
9	Water Conservation in Landscaping	MJS	See Sheets L.4, L.5, and L.6 for compliance as well as the Landscape Water Efficiency Checklist included in Supporting Documents .
	The project has provided landscape and irrigation plans demonstrating compliance with Morgan Hill Municipal Code Chapter 18.148 (Water Conservation in Landscaping). (GP Policies NRE-6.6 and NRE-7.3)		
10	Landscaping Plan:	MJS	See Sheets L.1 through L.7 for the proposed landscape concept. L.1 includes the overall landscape plan with material callout and site features in compliance with Municipal Code section 18.64.060. Sheets L.2 and L.3 provide detailed enlargements of amenity spaces.
	The Project is required to provide detailed landscape plans in compliance with Section 18.64.040 (Landscape Plan required) of the Morgan Hill Municipal Code. Landscape plans must demonstrate compliance with Section 18.64.060 (General landscape requirements) of the Morgan Hill Municipal Code. Pursuant to Morgan Hill Municipal Code section 18.64.050:		
	a. All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained.		
	b. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass or related natural features, such as rock, stone, or mulch.		
	Decorative hardscape featuring pervious materials is permitted within required landscaping areas.		
	For projects with a proposed stormwater treatment facility(ies), the Landscaping Plan includes appropriate landscaping for all bioretention and other vegetated stormwater treatment facility(ies). For plant guidance, check the Central Coast Low Impact Development Initiative (LIDI) website at https://www.centralcoastlidi.org/landscape.php .		
	For projects adjacent to streams, the Landscaping Plan shows the use of locally native plants for all landscaping and revegetation adjacent to a stream and within a riparian area to comply with the City's adopted Santa Clara Valley Water Resource Protection Collaborative's "Guidelines and Standards for Land Use Near Streams." A copy of the guidelines and standards can be found at https://www.valleywater.org/contractors/doing-businesses-with-the-district/permitsfor-working-on-district-land-or-easement/guidelines-and-standards-for-land-usenear-streams .		
11	Wildland-Urban Interface Fire Area:	RJA	Not Applicable. Per CAL FIRE Very High Fire Hazard Severity Zones in LRA (October 9, 2008), the subject site is not within a VHFSZ or VHFHSZ zone.
	New developments and projects proposed within a locally adopted Wildland-Urban Interface Fire Area shall include a plan for the protection of the community from any unreasonable risks associated with the effects of wildland and urban fires.		
	The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management, evacuation routes, peak load water supply requirements, and minimum road widths, as those items relate to identified fire hazards and reviewed and approved by the Fire Marshal.		
12	Trees:	RJA/MJS	Proposed tree removal is shown on Sheet DR-02 . A Tree Removal exhibit (Sheet TR-01), arborist report, and tree removal application are included in the submittal package. See Sheet L.4 for the Preliminary Tree Plan and the tree replacement note.
	The project has identified all trees to be removed on the project landscape plan and/or grading plan, has proposed a two-to-one ratio of replacement trees, and has applied for the required Tree Removal Permit in accordance with Chapter 12.32 (Restrictions on Removal of Significant Trees) of the Morgan Hill Municipal Code		
13	Useable Private and Common Open Space:	RJA, KTGy, MJS	See Sheets A3.0 - A3.10 for locations of ground floor patios and balconies on building plans. See Sheets A5.0 - A5.3 for private open space square footage per unit. See Sheet L.8 for a visual calculation of these standards.
	Each lot must include a private open space area, such as a private yard, porch, balcony, roof garden, or patio. Private open space must be contiguous to the unit it serves and accessible and visible from the living area of the unit. Private open space must be open air. Private open space cannot be covered by a roof by more than 50 percent of the area; however, balconies can have up to 100 percent ceiling coverage. The following private open space is required per unit type:		
	a. Single-family attached and detached units meeting the following average lot sizes shall provide useable open space as specified:		
	Average Lot Area (square feet) 1,440-1920 Private Open Space 60 square feet per unit Common Open Space 140 square feet per unit	1,920-2,999 150 square feet per unit 150 square feet per unit 150 square feet per unit	3,000-4,356 300 square feet per unit 175 square feet per unit 175 square feet per unit
	4,357-6,999 350 square feet per unit 200 square feet per unit feet per unit		
	b. Single-family detached (lots 7,000 square feet and over)- 500 square feet per unit (Private Open Space)		
	c. Multi-family residential – At least fifty percent of the units have at least 48 square feet per unit (Private Open Space). Fifteen percent of the site area shall be dedicated to common open space.		
	d. If On-site Recreational Amenities are not provided, private and common open space shall be increased by 25 percent.		
	Common open space shall be fully landscaped and accessible to all residents.		
	Private open space per unit may be reduced by up to 25 percent if off-set by the equivalent increase in common open space with amenities. (GP Policy CNF-11.29)		
Parking Improvements			
14	Required On-site Parking Spaces:	RJA	The proposed project provides a total of 428 parking spaces, in compliance with current State Density Bonus Law as it applies to a 100% affordable housing community (in this case, one space per one-bedroom unit and two spaces per two-bedroom or three-bedroom unit). See Sheet A1.0 or Sheet DR-05 for supporting exhibits.
	The project complies with the parking requirements specified in Section 18.72.030 of the Morgan Hill Municipal Code.		
15	Parking Design and Development Standards:	RJA	See Sheets DR-04 and DR-05 for notes and graphic details. The proposed project meets the City's requirement in

Attachment: Development Design and Development Standards Compliance Checklist (3188 : Monterey-Miner (Jemcor))

	The project complies with the parking design and development standards specified in Section 18.72.060 of the Morgan Hill Municipal Code.		all cases other than the use of a partial compact dimension within the enclosed garage spaces, where instead of each tandem garage space measuring 10' x 20', two tandem spaces are each proposed at 10' by 18'. The Applicant requests the City's opinion as to whether a deviation from standards is available as a Minor Exception pursuant to Municipal Code (§ 18.108.070.B.1.f (allowing deviations for parking dimensions). If it not appropriate as a Minor Exception, applicant requests a concession or development standard waiver. Because the project as proposed meets only the minimum number of parking spaces necessary to comply with State Density Bonus Law, any reduction in parking spaces by requiring larger spaces would directly reduce the quantity of affordable housing units the project can provide.
16	Parking Lot Layout:	RJA	Parking bays are substantially internal to the project and located throughout in order to minimize the distance to/from buildings. See Sheets A1.0, DR-05, and L.1.
	For multi-family projects, the parking for the project is dispersed throughout the project in smaller segmented parking areas, rather than the creation of a large parking lot. Parking is located interior to or at the back of the site where it is not visible to the street.		
17	Bicycle Parking and Storage:	RJA	The proposed project provides 56 short-term bicycle parking spaces. These are distributed throughout the project. See Sheet L.1 for locations and notes. The proposed project does not provide long-term bicycle parking spaces. APPLICANT REQUESTS A REDUCTION IN DESIGN STANDARDS for this item under State Density Bonus Law and AB 1763. While the project does meet the City's requirement for short-term bicycle parking and storage, it will not be possible to provide long-term bicycle parking or storage. The applicant's architects have estimated that long-term bicycle parking compliant with City standards would require an area that is the equivalent of 5 parking stalls. Long-term bicycle parking would require either a reduction in parking, physically precluding and thereby reducing the quantity of affordable housing units that can be built due to required parking ratios, or the construction of subterranean parking, which would add an insupportable burden to the project.
	All multi-family developments of five units or more are required to provided bicycle parking in compliance with Section 18.72.080 of the Morgan Hill Municipal Code.		
18	Exterior Parking Lot Lighting:	RJA	Photometrics and lighting specifications are provided on Sheets DR-10 and DR-11.
19	Parking Area Landscaping:	MJS	Project is in compliance with sections 18.72.060 and 17.72.070 of the Morgan Hill Municipal Code. See Sheet L.1 (Conceptual Landscape Plan) and Sheet L.4 (Preliminary Tree Plan) for design measures and compliance.
	Projects with six or more parking spaces must demonstrate compliance with the parking lot screening and parking lot landscaping requirements specified in Sections 18.72.060.I (Parking design) and 18.72.070 (Parking lot landscaping) of the Morgan Hill Municipal Code.		
20	Pedestrian Access:	MJS	See Sheet L.1 for site-wide walkway access and ADA path of travel.
	Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements specified in Section 18.72.060.H of the Morgan Hill Municipal Code.		
21	Electric Vehicle Charging Stations:	RJA	See Sheets A1.0, DR-04, and DR-05 for EV Parking locations and counts.
	Parking lots with more than twenty-five parking spaces shall incorporate electric vehicle charging stations in compliance with Section 18.72.040.C of the Morgan Hill Municipal Code.		
Architectural Design Features			
22	Front Porches:	KTGY	See Sheet A1.0 and Sheets A3.0 - A3.10 for ground floor patio locations. The project includes 39 ground floor units with patios that face common open space and 10 ground floor units with patios that face drive aisles (though it should be noted these are not "streets", strictly speaking). Of these 49 units, 100% offer an attached porch measuring at least 11' x 6'.
	50 percent of homes facing a street or common interior courtyard include a front porch on the ground floor with a minimum size of 6 feet by 5 feet		
23	Balconies:	KTGY	See Sheets A3.0 - A3.10 (Building Plans) for upper floor balcony locations. The project provides a total of 76 balconies (46% of all second and third story units).
	25 percent of homes facing a street, alley or common interior courtyard include a balcony overlooking a common area with a minimum size of 6 feet by 4 feet.		
24	Fences:	MJS	See Sheet L.7 (Wall and Fence Plan) for locations and proposed fencing/wall types.
	All fences and walls designed for screening purposes shall be of solid material. Chain link or chain link with slats is not permitted.		
25	360 Degree Architecture:	KTGY	See Sheets A2.0 - A2.7 (Building Elevations) and Sheets A6.0-A6.3 (Conceptual Perspectives) for architectural details including: windows with trim, awnings, and stone veneer on all sides.
	The project includes two of the following details: Windows, shutters, awnings, bay windows, trellis features, texture variations, stone, brick or other material enhancements. All facades (sides and rear) must have the level of detail, and materials (GP Policy CNF-11.16)		
26	Exterior Treatments and Materials:	KTGY	See Sheets A2.0 - A2.7 (Building Elevations) and Sheets A6.0 - A6.3 (Conceptual Perspectives) for additional stone veneer, stucco, and fiber cement siding exterior material details. See Sheet A7.0 (Typical Details) for 6"+ application of veneer.
	At least two materials shall be used on any building facade, in addition to glazing and railings. Any one material must comprise at least 20% of any building facade, excluding windows and railings. A change in material must be offset by a minimum of six inches in depth.		
	Exterior finish materials should be chosen and applied to not appear artificial as in the case of brick veneer applied on a single building face so that it is obviously ¼ inch thick when viewed from the side, or in the case of a trellis made of 2 inch x 2 inch or 2 inch x 4 inch members. Veneers are required to turn corners, avoiding exposed edges.		
27	Roof Line Variation for three or more units:	KTGY	See Sheets A2.0 - A2.6 (Building Elevations) for varying garage, balcony, and building roof height variations.
	Roofs have been designed to incorporate a minimum of two varying roof heights or types (hip, gable, shed, flat, etc.)		
28	Height and Project Massing:	KTGY	See Sheets A2.0 - A2.6 (Building Elevations) for varying roof heights and Sheets A3.0 - A3.10 (Building Plans) for building massing articulations.
	Project design minimizes bulk of the buildings by limiting building length, or designing buildings with the following special features to break up building bulk, including: a. Changes in roof form and height; and,		
	b. Major full-height recesses (At least 10 feet deep for multi-family projects and three feet deep for single-family attached projects) along the length of the building that successfully break the building into smaller discrete masses. (General Plan Policy CNF 11.22)		
29	Separate Structures-Attached Projects:	KTGY	Not applicable.
	Large projects shall be divided into separate structures. The maximum number of units per structure is as follows: a. Single-family Attached: 7 units maximum per structure (General Plan Policy CNF 11.22) 100 percent affordable projects are exempt from this requirement		
30	Building Colors	KTGY	See Sheet A8.0 Material Board for colors and materials.
	The project has provided a sample color palette of complimentary colors compatible with surrounding neighborhood. The number of colors appearing on any building exterior is limited to no more than four colors or tones of the same color, including trim and accent colors.		
	The use of fluorescent or neon colors is prohibited.		
31	Window Design:	KTGY	See Sheet A7.0 Typical Details for window trim and recess details.
	The window recesses, trim and other window elements have been designed to be substantial in depth to create shadows. The project incorporates at least one of the following window features throughout the project: a. Minimum depth of at least 1 1/2 inches from glass to exterior of trim;		
	b. Minimum depth of at least six inches from glass to wall edge around windows if there is no trim (this is only appropriate for certain architectural styles such as Spanish Revival or Modern); or,		
	c. Decorative trim elements that add detail and articulation, such as window surrounds with at least a two-inch depth. They must be designed as an integral part of the design.		
32	Glazing:	KTGY	Not applicable. No mirrored glass is used in project.
	Mirrored glass is prohibited in order to minimize off-site glare and maximize transparency.		
33	Exterior Lighting and Illumination:	RJA	See Sheets DR-10 and DR-11 for photometric study and lighting specifications.
	Wall-mounted lights or bollards shall be provided for security purposes. Lights shall be directed down and shielded to avoid glare impacts. The project has demonstrated compliance by submittal of a photometric plan and fixture details.		
34	Equipment Screening:	KTGY	See Sheet A4.0 Proposed Street Sections for typical roof well and mechanical equipment screening.
	All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the public-right-of-way, common areas, or contained within an enclosed structure. Equipment to be screened includes, but is not limited to, all roof mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building, and equipment enclosures have been screened with landscaping. Chain link fencing with wood inserts shall not be used to screen equipment		
35	Residential Parking Garage:	KTGY	Not Applicable. No garage doors are proposed within the development.
	The project is designed to reduce the prominence of garage doors through one or more of the following strategies: a. Locate the garage door behind the front porch and/or living space, relative to the front lot line;		
	b. Design the second floor to overhang beyond the garage door		
	c. Locate the garage to the side or rear of building rather than at the center; or		

	d. For garages with three or more non-tandem parked cars, the area of the front wall(s) of garage(s) shall not be more than 25 percent of the cumulative exterior front walls of two story single family residential building; no more than 50 percent of the cumulative exterior front walls of a one story single-family residential building; and at least one front wall of the a three car garage must be separated from the remaining garage front wall by at least two feet. (GP Policy CNF-11.19)				
36	Garage Door Design: The garage doors proposed within the project feature windows or other architectural design features consistent with the main dwelling, approved by the Development Services Director or designee.	KTGY	Not Applicable. No garage doors are proposed within the development.		
37	Driveway/Vehicle Pavement:	RJA	Not applicable. The proposed project is multi-family.		
	For detached single-family projects, paved areas and hard surface for vehicle access and parking does not occupy more than 50 percent of the front and street-side setback area.				
38	Pavement Design:	RJA	See Sheet L.1 . Decorative paving is provided at primary entries. The project will not satisfy the City's requirement that 10% of the paved surface area be composed of decorative paving material. The project provides decorative paving materials at its Madrone Parkway and Monterey Road entrances and at its EVA access point at Taylor Avenue, providing decorative material only at the vehicle entrance or EVA access points. APPLICANT REQUESTS A CONCESSION for this item under State Density Bonus Law and AB 1763. We understand there is a new requirement that 10% of the paved surface area are composed of decorative paving material. The project provides decorative paving materials for a total of 2% of its paved areas. Given the size of the site, increasing what has been provided by 5x would add significant and unnecessary additional cost burden to the property that affordable housing economics are not designed to support. As we understand that the 10% paving requirement has recently been adopted, the proposed project, with the requested concession, will not differ from recently completed communities in the city. The cost difference between pavement and a decorative concrete or paver is 4-5x higher.		
	The project has incorporated decorative, pervious paving into paved and landscaped areas by 10 percent to reduce the visual impact of paved surfaces. Decorative paving includes: brick, stamped colored concrete, stone blocks or pavers, interlocking colored pavers, grasscrete, and other comparable materials. Priority locations for decorative paving may include the following				
	a. The first 20 feet of the driveway closest to the street;				
	b. A four-foot wide pedestrian path along the length of the driveway, if no sidewalk is provided;				
	c. Parking maneuvering areas;				
	d. Parking aprons; and				
	e. Parking areas or fire turnarounds that can also occasionally function as outdoor courtyards.				
39	Multi Family Roof Form:	KTGY	See Sheets A2.0 - A2.6 and Sheets A6.0 - A6.3 for multi-family roof forms. Floor plans feature varying wall depths and balconies that articulate the accompanying roof forms above.		
	The roof element of the multi-family project is designed such that no more than two side-by-side units are covered by one unarticulated roof. Articulation may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets. Other alternative design approaches that achieve the same goal of breaking down building masses into small individual units may also be acceptable, for example shifting the units in section and varying the design treatment for individual units. (GP Policy CNF-11.22)				
40	Massing for three story buildings or taller:	KTGY	See Sheets A2.0 - A2.6 Building Elevations and Sheets A3.0 - A3.10 Building Plans for building massing articulations.		
	Buildings three stories or taller shall have major massing breaks at least every 100 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.				
41	Distinct material changes for three story buildings or taller:	KTGY	See Sheets A2.0 - A2.7 (Building Elevations), Sheets A6.0 - A6.3 (Conceptual Perspectives), and Sheet A7.0 (Typical Details).		
	Buildings three stories or taller must provide a ground floor elevation that is distinctive from the upper stories by providing a material change between the first floor and upper floors along at least 75% of the building façade with frontage upon a street, adjacent public park or public open space.				
42	Trash Enclosure, Solid Waste and Recyclable Materials:	KTGY / RJA	See Sheet A2.7 and Sheet A5.6 for trash enclosure elevations and plans detailing split face block exterior, sloped roof, and secured doors.		
	Detailed enclosure plans are required for multi-family, new construction and alteration projects, and comply with the following:				
	a. The exterior materials and colors of the enclosure walls shall match the building walls.				
	b. Chain link fencing with or without wooden/plastic slats is prohibited.				
	c. Roofs shall be painted with rust-inhibitive paint.				
	d. Shall not obstruct on-site or off-site pedestrian or vehicle traffic movement.				
	If project requires a consolidated solid waste plan, the project shall comply with the enclosure and development guidelines specified by Recology South Valley. All trash enclosure areas must meet the following structural or treatment control Best Management Practices (BMP) requirements (individual single-family residences are exempt from these requirements):				
	a. Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents.				
	b. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.				
	c. Doors: Trash enclosure shall have door(s) which can be secured when closed.				
	d. Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.				
	e. 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.				
B. Engineering-Land Development Requirements					
Site Planning					
43	Arterial Design and Landscaping	RJA	Not applicable. Project does not include a fence or wall adjacent to arterial streets, and no median exists in Madrone Parkway or Monterey.		
	Development adjacent to arterial streets is designed without fences or walls (unless required for sound mitigation as determined by an Acoustical Analysis) or landscape designed wall not exceeding three feet in height. (GP Policy TR-3.20)				
	Development adjacent to arterial streets with existing median without landscaping provides the required landscaping in the median. The median improvements will be subject to City reimbursement in the form of credits against the Traffic Impact Fees due from the project. The project shall be reimbursed the actual consultant fees, review fees, permit fees, and construction costs of construction the median improvements. Refer to the City's Median Design Guidelines. (GP Policy CNF-8.10)				
44	Street Improvements	RJA	Acknowledged. Streets will be improved to City standards.		
	New public and private streets serving the project are designed to be consistent with the General Plan Transportation Element as well as the Street Standard Details in the City's Standard Details. Minor variations and exceptions to the standards are subject to the approval of the City Engineer.				
	The project installs and dedicates street improvements 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.				
45	Utility Location and Easement:	RJA	Acknowledged.		
	New utility transformers are installed underground unless precluded by physical limitations of the project site.				
	Utility locations do not interfere with the viability of tree maturity, function of stormwater treatment facilities, or use of open space.				
	A Public Service Easement (P.S.E.) with a minimum width of 10' is provided adjacent to all public rights-of-way for public and private utilities (including gas, electric, telephone and cable communications conduits or duct banks).				
	All public utilities for sewer, storm, or water within the project are within a public right-of-way or within a P.S.E. granted to the City and within a minimum width of twenty (20) feet. Exceptions to the easement width are subject to the approval of the City Engineer.				
	For individual water, sewer or storm mains, the pipe is located in the centerline of the P.S.E.				
	A plat and legal description of the P.S.E., prepared by a licensed professional land surveyor or engineer in the State of California, are provided.				
46	Underground Utilities:	RJA	There are no overhead utilities contiguous with Madrone Parkway. The existing overhead lines within Monterey Road will be placed underground. See Sheet DR-04 .		
	All new utility distribution and service connections are placed underground. This standard does not apply to aerial power transmission lines.				
	All existing overhead utilities adjacent to any site boundary, within the project site, or along any street frontage are placed underground in accordance with City standards and affected utility company guidelines.				
47	Meter Location:	RJA	Master water meter locations are located within a PSE. See Sheet DR-04 and Sheet DR-07 for locations and notes.		
	Water meters shall be located within City right-of-way or within a recorded Public Service Easement (P.S.E).				
	Each unit within a multi-family development shall be required to have a separate water service connection and city meter unless private sub-meters are installed for each unit by the developer.				
	All single-family residential units shall be required to have a separate water service connection and city meter.				
48	Stream Channel and Riparian Setbacks:	RJA	Not applicable. Project is not located near a stream.		

	If the project is located adjacent to a Category 1 or Category 2 stream (as verified by a biologist, hydrologist or other qualified professional) and the required setbacks have been identified on the project plans. (GP Policy NRE-5.6)		
	TABLE		
	All stream channels and riparian setbacks have been identified on the Site Development Plans. Documentation shall be provided by a biologist, hydrologist or other qualified professional identifying the Category of the water body and the required setbacks.		
	The project is also in substantial conformance with the adopted User's Manual of Guidelines and Standards for Land Use Near Streams (a Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County). A copy of the manual can be viewed at https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams.		
49	Landscaping -Parkway/Park Strip Design:	MJS	The described planter strip is provided along the project's Madrone Parkway and Monterey Road frontages. The project proposes a monolithic sidewalk along its Taylor Avenue frontage in order to conform to the existing Taylor Avenue improvements. Street tree selection is per City of Morgan Hill Master Street Tree Plan. See Sheet L.4 for further detail.
	A minimum 5-foot wide planted parkway (measured from face of curb) with irrigation system shall be provided between the street and sidewalk. Parkway shall be planted with street trees identified within the City of Morgan Hill Master Street Tree Plan. For parkways within a public right-of-way, the City Engineer or designee shall select the species from the applicable planting zone list of the Master Street Tree Plan.		
Pedestrian, Bicycle and Transit Improvements			
50	Projects abutting developed land:	RJA	N/A
	The project aligns and connects streets intersecting the project boundary with all adjoining streets. (GP Policy CNF-11.5)		
51	Projects abutting undeveloped land:	RJA	As a high-density multi-family attached development with private drive aisles, the project does not propose street connections to the adjoining undeveloped parcels which lie within the Residential Detached Medium Density district.
	The project extends streets to the adjoining undeveloped land to provide access to undeveloped land in the event of its future development. (GP Policy CNF-11.5)		
	The project has provided a public access easement in private streets for sidewalks, trails, greenways, and other pedestrian and bicycle facilities.		
52	Off-street bicycle and pedestrian connections:	RJA	Per the Bikeway + Trail Network Map, a Class II bike lane that is wide enough to be buffered is included within Monterey Road (See Sheet DR-03 for street section). The project includes a sidewalk network that connects to public sidewalk on Monterey Road and also on Madrone Parkway.
	The project has provided off-street bicycle and pedestrian connections in accordance with the Bikeways, Trails, Parks and Recreation Master Plan, as well as General Plan Policy CNF-11.5 Outside Connections and General Plan Policy CNF-11.6 Open Space Connections. Connections must be established and maintained through a public access easement, dedication or other similar method to guarantee it remains accessible to the general public.		
	Off-street bicycle and pedestrian access ways are at least 15 feet wide, have no horizontal obstructions, and have a minimum of 9 feet-6 inches high vertical clearance.		
	For off-street bicycle and pedestrian accessways that also serve as emergency vehicle accesses or utility corridors, the minimum accessway width and vertical clearance is subject to approval by the City's designated Fire Marshal.		
	If the off-street bicycle and pedestrian accessway remains in private ownership, recordation of a maintenance agreement is required prior to acceptance of the street improvements.		
	All easements and dedications will be required as Conditions of Approval.		
53	Complete Streets:	RJA	The project incorporates bicycle racks, a sidewalk network, reduced curb return radii, and narrow drive aisles to fulfill this commitment. See Sheet DR-04 .
	The project incorporates design elements from three different categories of "Complete Street Design Elements" (shall provide a minimum of two design elements from categories a to e below) that meet the needs of multiple users, including motorists, bicyclists, pedestrians, transit users, and persons of different physical capabilities. (GP Policy CNF-11.8)		
	NOTE: These standards apply to projects with new public streets, new private streets and/or private drives and for projects required to perform major changes to existing public or private streets.		
	<u>Complete Street Design Elements</u>		
	a. Pedestrian infrastructure such as sidewalks; traditional and raised crosswalks; median crossing islands; Americans with Disabilities Act of 1990 compliant facilities including audible cues for people with low vision, pushbuttons reachable by people in wheelchairs, and curb cuts; and curb extensions subject to approval by the City Engineer or designee.		
	b. Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes, including a road diet, center medians, traffic circles, narrow travel lanes, bulbouts, shorter curb corner radii, elimination of free-flow right-turn lanes, angled and face-out parking subject to approval by the City Engineer or designee.		
	c. Bicycle accommodations, such as protected or dedicated bicycle lanes, neighborhood greenways, wide paved shoulders, and bicycle parking subject to approval by the City Engineer or designee.		
	d. Public transit accommodations, such as bus pullouts, transit signal priority, bus shelters, and dedicated bus lanes. Refer to the Santa Clara Valley Transportation Authority (VTA) Bus Stop and Passenger Facilities Standards for the design and placement of bus-related facilities and amenities. Transit improvements within the public right-of-way are subject to approval by the City Engineer or designee.		
	e. Green Streets, the natural systems approach (incorporates vegetation and/or permeable pavements) to enhance pedestrian safety, reduce stormwater flow and improve water quality. Green Streets are designed to capture rainwater at its source. Green Street improvements subject to approval by the City Engineer or designee.		
54	Bicycle and pedestrian improvements (Multi-family projects)	RJA	The project incorporates bicycle racks, a sidewalk network, reduced curb return radii, narrow drive aisles, and striped crosswalks to fulfill this commitment. See Sheet DR-04 .
	The project incorporates two or more enhanced bicycle and pedestrian improvements such as bicycle storage facilities, traffic calming measures, intersection crossings, and wayfinding signage. (GP Goals TR-8 and TR-9)		
55	Internal Pedestrian Connections:	RJA	The project provides pedestrian connections from all entrances to common open space, recreation facilities, and other project amenities. See Sheet DR-03 and Sheet L.1 .
	The project provides pedestrian connections from all entrances to common open space, recreation facilities, and other project amenities.		
56	Continuous Sidewalks:	RJA	Continuous public sidewalks are provided along the project's Madrone Parkway, Monterey Road, and Taylor Avenue frontages. The project does not include internal streets per the definition(s) in the Municipal Code (18.128.020). See Sheet DR-03 and Sheet L.1 .
	The project provides continuous sidewalks along both sides of the street frontage(s). (GP Policy CNF-11.9)		
	The project shall demonstrate compliance with Chapter 17.34 – Standards for Residential and Private Streets of the Morgan Hill Municipal Code by providing detached sidewalks and park strips, as required for primary residential streets, secondary residential streets and cul-de-sacs.		
Municipal Infrastructure			
57	Water Infrastructure:	RJA	The water system complies with City design standards and details, and grids the existing system between Monterey Road and Madrone Parkway. See Sheet DR-07 .
	The project provides local water distribution lines to serve the proposed project and designed in accordance with accepted engineering principles and shall conform to the City's Design Standards and Standard Details.		
	All unused existing water services stubbed to the property shall be abandoned at the water main pursuant to city standards.		
	Note: For corner parcels, where existing water services are stubbed to the property along both street frontages; the water services along the secondary street shall be utilized and the remaining unused existing water services shall be abandoned at the water main pursuant to city standards.		
	The project proposes water infrastructure improvements consistent with the City's Water System Master Plan, approved by the City Engineer or designee.		
	Wastewater Infrastructure:	RJA	The wastewater collection system complies with City design standards and details. Wastewater is collected throughout the project, then gravity drains to a lift station and ultimately to a connection in Monterey Road. See Sheet DR-07 .
	A sufficient wastewater collection system is provided to serve the proposed project and designed in accordance with accepted engineering principles and shall conform to the City's Design Standards and Standard Details		
	All unused existing sewer laterals stubbed to the property shall be abandoned at the sewer main per city standards.		
	Note: For corner parcels, where existing sewer laterals are stubbed to the property along both street frontages; the sewer lateral(s) along the secondary street shall be utilized and the remaining unused existing sewer lateral(s) shall be abandoned at the sewer main per city standards.		
	The project proposes wastewater infrastructure improvements consistent with the City's Sewer System Master Plan, approved by the City Engineer or designee. (GP Policy NRE-8.4)		
	Storm Drainage Infrastructure:	RJA	Please see Sheets DR-07 and DR-08 , as well as the Preliminary Post-Construction Stormwater Control Plan and the Preliminary Hydraulic Report documents provided with the application.
	A sufficient storm drainage collection system is provided to serve the project and designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry a 100-year storm. (GP Policies SSI-16.2 and SSI-16.3)		
	The project proposes storm drainage infrastructure improvements consistent with the City's Storm Drainage Master Plan.		
	The project has demonstrated compliance by providing a complete storm drainage study showing amount of run-off and existing and proposed drainage structure capacities reviewed and approved by the City Engineer or designee.		

	Storm Water Infrastructure:	RJA	Please see Sheets DR-07 and DR-08 , as well as the Preliminary Post-Construction Stormwater Control Plan and the Preliminary Hydraulic Report documents provided with the application.
	If the project is creating and/or replacing 2,500 square feet or more of impervious surface, project complies 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. A copy of the guidance manual can be obtained through the following link: https://www.morganhill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-GuidanceManual?bidId= .		
	The project has demonstrated compliance by providing a Stormwater Runoff Management Plan/Report, Stormwater Control Plan sheet, and all applicable stormwater performance certifications pursuant to the Stormwater Management Guidance Manual and reviewed and approved by the City Engineer or designee. (GP Policies SSI-16.2 and SSI-16.3)		
	Floodplain Development:	RJA	According to the FEMA website, the project site is not within an area identified as Special Flood Hazard Area or a Floodway.
	If the project is located within an area identified as Special Flood Hazard Areas or Floodway areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), the project is subject to the floodplain management regulations specified in Chapter 15.80 (Flood Damage Prevention) of the Morgan Hill Municipal Code. The project has provided the required development review information for Floodplain Administrator review. (GP Policies SSI-5.1, 5.2, 5.3, 5.6, 5.7 and 5.8)		
	The Floodplain Administrator has reviewed the required development review information and has determined that the project complies with Chapter 15.80 of the Morgan Hill Municipal Code.		
	If the project includes the placement of fill, a flood study is submitted for review and City acceptance. Project is required to file the appropriate conditional/final FEMA Letter of Map Revision (CLOMR/LOMR or CLOMR-F/LOMR-F) as required by the results of the flood study.		
	Broadband Connectivity:	RJA	The project will provide new conduit along the Monterey and Madrone frontage, as well as in-tract. See the Broadband Conduit Installation exhibit included in the application package.
	The project provides the following broadband connectivity to the project:		
	a. Broadband conduit installed in the public right-of-way to serve the project		
	b. Broadband conduit from the public right-of-way to each home or occupied building in the project.		
	c. Pre-install indoor conduit, wiring and other necessary infrastructure so that broadband service may be provided to each unit. (GP Action Items SSI-18.A and SSI-18.B)		

FPI MANAGEMENT

CULTURE GROUNDED IN H.E.A.R.T. 

FPI will implement the standard security practices on the Morgan Hill project as follows:

Resident Lease Agreement & Rules & Regulations: All adult lease holders will agree to the FPI lease contract & Rules & Regulations prior to moving in. Residents in violation of lease provisions will be issued a warning notice. Additional violations of the lease contract can result in eviction from the community. FPI will maintain good-fair communication with residents in order to achieve the highest level of property success, the quiet and peaceful enjoyment of all residents, and be an excellent neighbor in the community. FPI will abide by all Local, State & Federal Fair Housing Laws & Ordinances.

Employee Security Training: Employees will be trained on security systems, lighting plans and key policy. Security training will be provided at date of hire and one to two times annually.

Key Control & Policy: Individual keys for each unit will be identified by code and stored in a locked key cabinet in the property manager's office. All keys are to be stamped with "Do Not Duplicate."

Building Access: Resident access will be via key-fobs for the building entrances and physical keys for residential units.

Morgan Hill Police: Morgan Hill police will be provided with the ability to access property at any time without having to wait for owner's permission. Building management will maintain regular contact with the local Police Department.

Address Signs: Signs will be visible and illuminated during evening hours to provide easy identification by first responders.

Security Cameras: Security cameras will be installed in key locations at the property. At a minimum, camera locations will include the community center/leasing office and trash receptacles. All cameras will be fully operational with remote recording 24 hours a day, 7 days a week.

Site Lighting: Site lighting will be provided with sufficient levels of illumination to provide a strong deterrence to crime. Lighting will also illuminate walkways, carports, and common areas.

Assigned Parking Spaces: Spaces are to be assigned to residents to help identify unauthorized guests. Guest parking is to be by permit only. Any guest visiting the site will have to check in with manager to receive guest parking permit to help identify unauthorized guests.

Parking Security: Sufficient lighting will be provided to illuminate all areas of the covered and uncovered parking areas.

Neighborhood Watch: A neighborhood watch program will be implemented to deter crime. Management will encourage residents to participate in the program as residents that are involved, informed and active in crime prevention and reporting greatly enhance the security of a building.

FPI MANAGEMENT

CULTURE GROUNDED IN H.E.A.R.T. 

Resident Crime Prevention Lectures: Residents will be given regular training and seminars by the Social Services Provider and/or the Neighborhood Watch program (at least two times annually) on how to avoid being a victim of crime, protecting their personal property and avoiding being the victims of scam artists.

Signage: Signage will be posted indicating that the building is monitored by cameras and an alarm company.

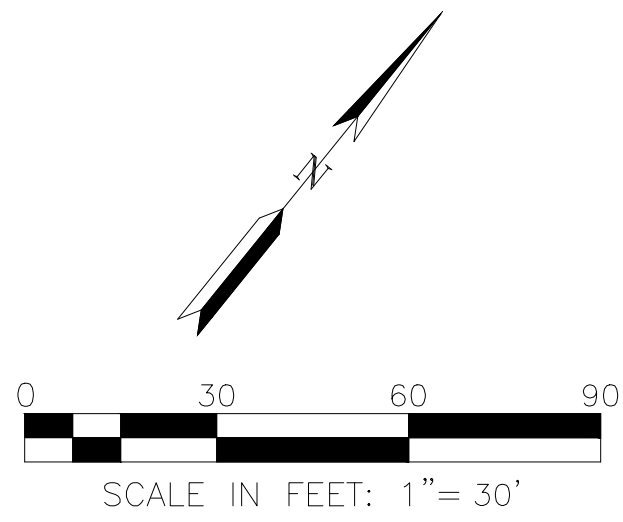
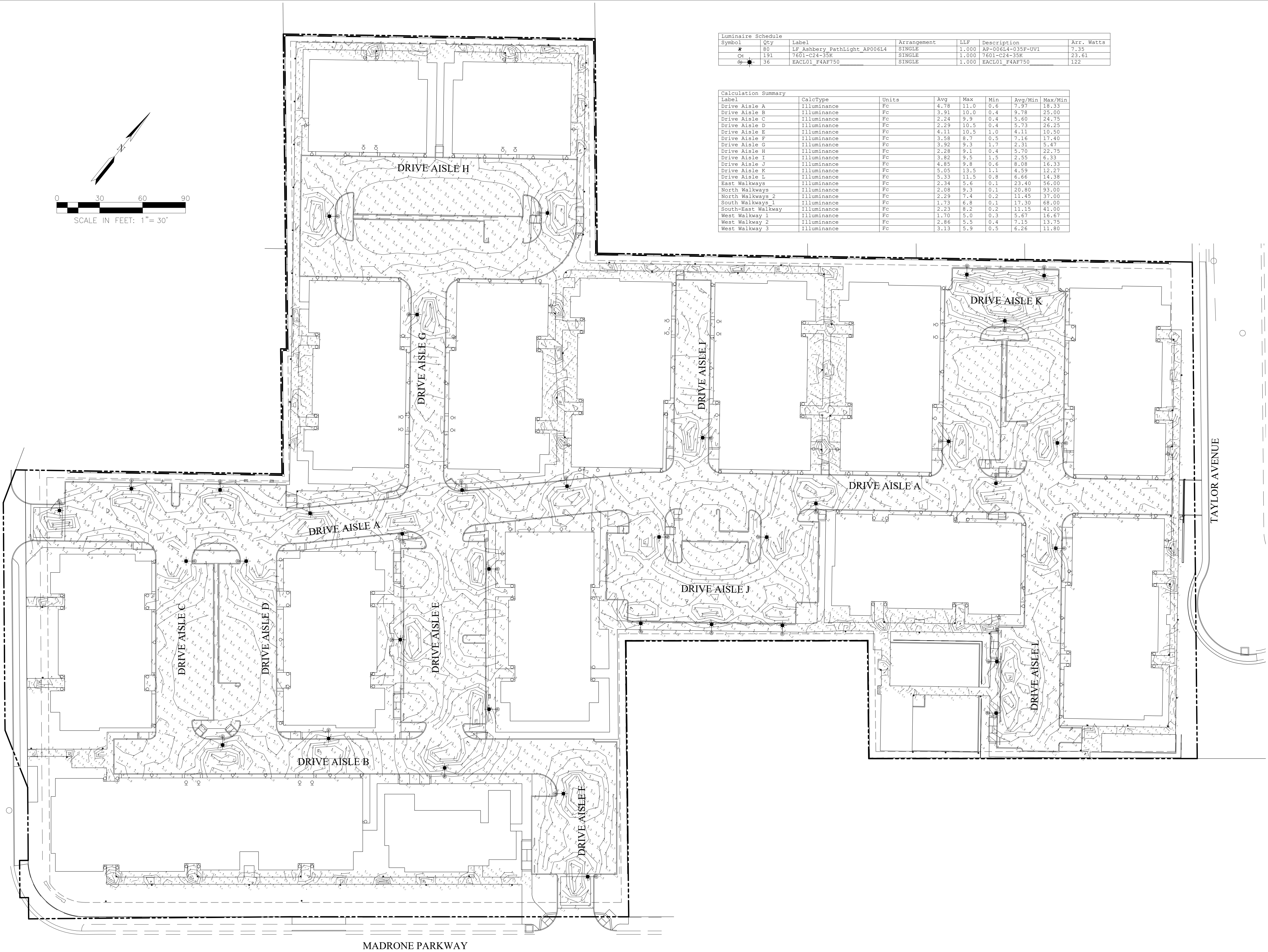
Landscaping: The landscaping plans will be designed to limit planting around entrance ways and windows to discourage hiding places and ensure that sight lines are not impaired.

Maintenance: Properties are to be maintained in top condition. Deterioration of the buildings can lead to a perception of disorder and is to be avoided.

Graffiti removal plan: Graffiti will be removed within 12 hours of first identification by onsite personnel.

Forbid Balcony Storage: Outdoor storage on balconies will not be permitted. Balconies furnishing should be limited to tables, chairs, etc. Storage of boxes and personal items are tempting to criminal activity, and also creates the impression of a disorganized building.

MONTEREY ROAD



Luminaire Schedule						
Symbol	Qty	Label	Arrangement	LLF	Description	Arr. Watts
⋈	80	LF Ashbery PathLight AP006L4	SINGLE	1.000	AP-006L4-035F-UV1	7.35
⊙	191	7601-C24-35K	SINGLE	1.000	7601-C24-35K	23.61
⊙	36	EACLO1 F4AF750	SINGLE	1.000	EACLO1 F4AF750	122

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Drive Aisle A	Illuminance	Fc	4.78	11.0	0.6	7.97	18.33
Drive Aisle B	Illuminance	Fc	3.91	10.0	0.4	9.78	25.00
Drive Aisle C	Illuminance	Fc	2.24	9.9	0.4	5.60	24.75
Drive Aisle D	Illuminance	Fc	2.29	10.5	0.4	5.73	26.25
Drive Aisle E	Illuminance	Fc	4.11	10.5	1.0	4.11	10.50
Drive Aisle F	Illuminance	Fc	3.58	8.7	0.5	7.16	17.40
Drive Aisle G	Illuminance	Fc	3.92	9.3	1.7	2.31	5.47
Drive Aisle H	Illuminance	Fc	2.28	9.1	0.4	5.70	22.75
Drive Aisle I	Illuminance	Fc	3.82	9.5	1.5	2.55	6.33
Drive Aisle J	Illuminance	Fc	4.85	9.8	0.6	8.08	16.33
Drive Aisle K	Illuminance	Fc	5.05	13.5	1.1	4.59	12.27
Drive Aisle L	Illuminance	Fc	5.33	11.5	0.8	6.66	14.38
East Walkways	Illuminance	Fc	2.34	5.6	0.1	23.40	56.00
North Walkways	Illuminance	Fc	2.08	9.3	0.1	20.80	93.00
North Walkways 2	Illuminance	Fc	2.29	7.4	0.2	11.45	37.00
South Walkways 1	Illuminance	Fc	1.73	6.8	0.1	17.30	68.00
South-East Walkway	Illuminance	Fc	2.23	8.2	0.2	11.15	41.00
West Walkway 1	Illuminance	Fc	1.70	5.0	0.3	5.67	16.67
West Walkway 2	Illuminance	Fc	2.86	5.5	0.4	7.15	13.75
West Walkway 3	Illuminance	Fc	3.13	5.9	0.5	6.26	11.80

TAYLOR AVENUE

MADRONE PARKWAY

DESIGN REVIEW - SB 330
PHOTOMETRIC SITE PLAN
18960 Monterey Road
MORGAN HILL, SANTA CLARA COUNTY, CALIFORNIA

JEMCOR
Development Partners
1700 South El Camino Real, Suite 400
San Mateo, CA 94402

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DATE		BY		SCALE		DATE	
1-8-21		MK		AS SHOWN		JANUARY 2021	

MONTEREY-MINER (JEMCOR) APARTMENTS PROJECT

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

This Response to Comments document contains comments received during the public review period for the Monterey-Miner (JEMCOR) Apartments Project (proposed project) Initial Study/Mitigated Negative Declaration (IS/MND). The City of Morgan Hill, as lead agency, released the IS/MND for public review beginning on August 6, 2021 and ending on September 6, 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 multiple comment letters from members of the public during the open comment period on the IS/MND for the proposed project. The following section includes responses to each of the comment letters, insofar as the comments address environmental topics. The letters are numbered and environmental-related comments are bracketed with assigned comment numbers. The bracketed comment letters are followed by numbered responses corresponding to each bracketed comment.

Letter 1

From: mhbrian942@gmail.com
To: [Gina Paolini](#); [Jennifer Carman](#); nb@scaledprojects.com; ["Jonathan Emami"](#)
Subject: [EXTERNAL] MONTEREY-MINER (JEMCOR) APARTMENT PROJECT
Date: Monday, September 6, 2021 4:12:53 PM
Attachments: [LIST OF DOCUMENTS.docx](#)
[MONTEREY-MINER \(JEMCOR\) 249 UNIT APARTMENT PROJECT.pdf](#)
Importance: High

Dear Gina; Jennifer; Nathan & Jonathan:

I am a representative of the citizens on Taylor Avenue; Ginger Way; Rose Lane; Peebles Avenue; Clayton Avenue and Angelica Way, and on their behalf am responding to the above project during the 30 day Public Review Period (August 6, 2021 to September 6, 2021). Our committee has done a deep dive of the documents associated with this project and have come up with the **ATTACHED** requests for change; items that we believe do not meet the law and other flaws having to do with the project. Some of those issues have to do with Hazardous Waste; Project Level EIR under CEQA; Jurisdiction Inaccuracy; Sensitive Receptor; Air Quality; Energy (not clear if Solar is required??); Noise & Vibration Mitigation; Transportation Analysis; Sidewalks; Traffic Analysis; Borings which raise questions about groundwater elevations containing multiple hazardous chemicals and others.

One of the main concerns of the residents is the ability of residents of the new Apartments to park on Taylor Avenue and other associated streets due to the current Jemcor project drawings : "WALL and FENCE PLAN – L.7" of not having the 6' Masonry Wall that is in place on Rose Lane and Ginger Way continue onto Taylor Avenue. That current Masonry Wall gives no pedestrian access to Rose Lane or Ginger Way and we want the same requirement on Taylor Avenue. We do understand the need for the EVA access on Taylor Avenue but that does not require pedestrian access!!!

Other residents have sent in their comments about some of the same concerns...

I want to take this opportunity to thank Nathan Blair of Scaled Projects who is part of the Jemcor team working on this project for reaching out to me by phone. We had a very cordial almost hour long conversation about the project and it is my belief that many of the items in the **Attachment** including the Taylor Avenue 6' Masonry Wall without pedestrian access can be agreed upon.

The residents look forward to working with the City and Jemcor going forward...

Sincerely,

Sully

Brian Sullivan
 Representative of the Residents
 19195 Taylor Avenue
 Morgan Hill, CA 95037
 Email: mhbrian942@gmail.com
 C# 408-230-7875

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

Letter 1 cont'd

Questions and comments filed on Notice of Intent to Adopt Initial Study/Mitigated Negative Declaration for project titled Monterey-Miner) JEMCOR) Apartment Project. Please ensure that these comments are part of the Administrative Record for this application.

General comments:

1-1

1. This site has never undergone a project level EIR to evaluate the conversion from a low impact industrial use to a high impact high density residential use. Preceding analyses of GP and zoning changes on this site were program level EIRs at best. Additionally, the 2016 program level EIR of the GP update was not only a minimal program level review but it is also over five years old and stale at this point. This conversion requires a project level EIR under CEQA and not a MND analysis

1-2

2. In addition to the lack of a project level EIR necessitate a recirculation prior to any public hearing. As the City is limited to how many public hearings may be held under new state laws it is imperative that the project is transparent and fully analyzed prior to seeing public comment.

1-3a

3. The following flaws in this document show that the application provided to the City was incomplete and should not have been scheduled for public hearing. Some of the most egregious flaws include:
 - a. Falsely claiming that the project is under the jurisdiction of Region 3 (Central Coast) of the RWQCB rather than Region 2 (San Francisco Bay). This is a substantive flaw as there are jurisdictional different standards including a different NPDES permit requirements. This flaw run all the way to the OPR State Clearinghouse filing identifying Region 3 (Central Coast).

Letter 1 cont'd

**1-3a
cont'd**

The OPR filing and all project analysis documents should be resubmitted for public scrutiny and accurate analysis.

https://www.waterboards.ca.gov/waterboards_map.html

1-3b

- b. Completely ignoring that there is a Sensitive Receptor adjacent to the property MMS Behavioral Day Program (Senior Day Care Center). None of the analysis nor mitigations took into consideration that this sensitive receptor is adjacent to the site and has an outdoor area for clients that shares a fence line with the proposed project.

1-3c

- c. Parking impact on Taylor Avenue. There is no discussion in any of the analysis of the potential impact on Taylor Avenue. The project received waivers that dramatically reduce the likelihood that on-site parking will be utilized to the fullest (tandem stall length reduction) and overflow parking is highly likely. With no on street parking on Monterey and Madrone the only pressure release is Taylor, and the project proposes pedestrian access to Taylor making it a likely "solution" to the parking problem. The project applicant knows that there is a concern from residents on Taylor and this concern is not addressed.

1-3d

- d. Multiple times the project plans claim that it is "in compliance with MH Codes and Ordinances" when it is not the case. While the project may have received waivers and exceptions under new state laws, it is misleading to the public in this legally required CEQA process to claim it is in compliance with local codes rather than admit it received waivers from local codes. Members of the public may have been fooled to think that it is in compliance with simple things like local parking requirements and did not comment on the MND because of the false statements. This flaw is so egregious that it should require a cancellation of the scheduled public

Letter 1 cont'd

1-3d
cont'd

↑
hearing until the application is complete and has removed false and misleading comments as to its compliance with MH Codes and Ordinances.

The following are specific concerns we have with the project analysis:

Initial Study

1-4

4. IS Surrounding Land Uses is intentionally misleading when it states that *"Surrounding uses include a vacant lot (designated for future residential development) to the north beyond which are single-family residences..."* In fact, almost 200' or a full third of the north boundary includes existing single-family homes several of which are ignored in providing adequate setbacks and height reductions in the project's design.

1-5

5. IS Environmental Factors checklist does not check greenhouse gas emissions (GHG) as an item to be evaluated. This CEQA review is flawed given that it did not evaluate GHG impacts of the proposed project.

1-6

6. IS Environmental Factors checklist does not check Utilities and Service Systems as an item to be evaluated. This CEQA review is flawed given that it did not evaluate Utility and Service Systems impacts of the proposed project. There is inadequate analysis of storm sewer, sanitary sewer impacts of the project.

7. We believe there is a flaw in the density bonus calculation. The calculations should not include acreage of the parcel which has already been dedicated (and improved by others) to previous public right of ways for Madrone Road.

Letter 1 cont'd

1-8

8. While the IS appropriately states that CEQA allows tiering from the previous GP program level EIR, that allowance is not a mandate that a MND is adequate review and given the scope of the project a full EIR should be performed.

9. Under project components it states that the two-story buildings have been located to "soften the transition between the proposed project's three-story buildings and the existing single-family homes east/northeast of the project site on Taylor Avenue." This identical treatment should be required for all current and future SFD properties along the northern border of the site (primarily homes on Ginger Way). There is no reason these homes should be less in need of a soft transition than the ones on Taylor Avenue. 100% of the properties to the north (other than those on Monterey are either current or future SFD homes and should have the same transition of heights. This would apply to buildings 10 and 11 for existing SFD and 6, 7 and 9 for future SFD.

10. Parking and access. Not only are over half of all required parking stalls proposed to be in tandem configuration which yields lower usage. But a waiver granted reduces the tandem length from 40 feet to 36 feet. The City is under no obligation to approve tandem parking even with the new state laws applied to 100 percent affordable housing.

1-11

11. The project received waivers to shorten the tandem stalls from 20' each to 18' each which is four less feet to try and fit two cars into. This will further deteriorate the actual on-site parking utilization forcing more and more cars off site. There is NO ANALYSIS in the IS as to off-site parking impacts. The only adjacent street with street parking is Taylor Avenue. Currently the project plans include direct pedestrian access to Taylor Avenue. These 249 units will have completely overwhelmed the on-street parking in front of the 19 homes on Taylor and Ginger. The ONLY way to mitigate this significant impact is to restrict

Letter 1 cont'd

**1-11
cont'd**

pedestrian access from the project to Taylor Avenue AND to install permit parking in the existing SFD neighborhood. The project at one time has a solid wall on all sides and then was revised to enable pedestrian access to Taylor. While it is perfectly sensible to have a solid, gated EVA onto Taylor, the current design with pedestrian access will have a significant unavoidable impact on the existing neighborhood.

1-12

12. The IS states that it will comply with the Central Coast Regional Water Quality Control Board standards...This is a flaw with the project evaluation as the San Francisco Bay Regional Water Quality Control Board has jurisdiction of properties to the north of Cochrane and East of Monterey Road in this area. This jurisdiction applies not only to stormwater but also to any analysis of hazardous materials that may impact underground water.

1-13

13. Routing 100% of storm water in SMA 1 and SMA2 to the 21' SS lateral in Taylor Avenue is completely inappropriate and some or all of this flow should be rerouted to SS facilities in Madrone and Monterey to more appropriately disburse storm flow and not threaten overburdening of Taylor Avenue systems.

1-14

14. In the checklist under aesthetic there is a reference to the fact that the views of the western hillsides would remain visible from Monterey and Madrone... therefore the project would not substantially degrade views of the surrounding hillsides. This statement COMPLETELY ignores that there is another side to the project along Taylor Avenue which has very clear views to the western hillsides for pedestrians, bicyclists and motorists that would be significantly impacted by the height of the project's proposed buildings.

1-15

15. Additionally, the IS states that the fact that the east hillsides are partially obscured due to power lines and existing single-story buildings that the project would not

Letter 1 cont'd

**1-15
cont'd**

substantially degrade views of the surrounding hills to the east. This is a misleading statement as there are substantial views of the hills to the east today from Monterey Road and inappropriately dismisses it because there is some partial obscuring.

1-16

16. Figure 9 continues to only show homes on Taylor as being SFD and continues to ignore homes on Ginger Way.

1-17

17. Air Quality – the IS references exported soil during grading but inappropriately ignores the 10,000 CY of cut and 8,000 cy of fill, both of which will cause particulate matter into the air in the community.

1-18

18. The Air Quality sections states that there are no sensitive receptors. There are two parks directly across Monterey Highway, one less than 350' and another less than 400' from the project site. Additionally, the project site is immediately adjacent to the MMS Behavioral Day Program which is a senior day care program hence exposing seniors with diminished respiratory capacity to particulate matter that could be dangerous. The IS states clearly that "Sensitive receptors are typically defined as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located." There is no reference to this adjacent property sensitive receptor in the analysis. The conclusion that the project will have less than significant impact is fundamentally flawed due to the glaring omission of this significant sensitive receptor next door.

1-19

19. Under air quality the IS states, "The project would comply with all applicable provisions of the 2019 CBSC including meeting 100 percent of electricity demand through on-site renewable energy generation." Please provide detailed information to back up this claim. The rendering of the project does not include any solar

Letter 1 cont'd

1-19
cont'd

panels nor wind turbines that fit within the 38' height limit, how is it providing 100% electricity demand through on-site renewable energy generation?

1-20

20. The mitigations measures for air quality inappropriately do not include BAAQMD standard restricting all grading above certain wind speeds and not allowing any simultaneous occurrences.

1-21

21. Biological resources. The IS refers to a nesting survey for raptors and other migratory birds as a preconstruction condition. While this is an adequate construction impact mitigation there is no mitigation or survey suggested for potential current or past nesting sites in the trees that are being proposed to be removed. A survey should be conducted prior to any tree removal to ensure that no potential or current nesting sites are impacted and appropriate mitigation including avoidance and disallowance of tree removal should be included as mitigation measures.

1-22

22. The mitigation plan for removal of ordinance size trees is woefully lacking. There are 14 ordinance size live oak trees some as large as 50' tall and the mitigation measure is 1.5:1 replacement with 15 gallon live oak trees. One and a half 15-gallon trees as a mitigation for a 50' tree is laughable and inadequate to mitigate this potentially significant (according to the IS) impact. A 15-gallon oak tree could be only 6' tall. This mitigation measure should greatly increase the ratio (at least 3:1) and should require box oak trees (36" or more) since the project is proposing 24" to 36" trees for non-native species to be planted.

1-23

23. Existing trees to remain. The two existing oak trees proposed to remain are in locations of significant fill according to grading plans and likely will be negatively impacted by fill around tree trunk

Letter 1 cont'd

1-24

24. The fill and construction around the existing oaks is also in violation of the proposed mitigation of avoiding significant construction within 1.5x of the tree's dripline. The tree adjacent to Bldg. 9 appears to have a 20' dripline and the building is only 16' from the tree clearly penetrating the proposed dripline avoidance ratio. It would be impossible to build a building that close to and within a dripline and not damage this ordinance size tree's roots.

1-25

25. Energy – it is unclear if this project is following the new mandate to require solar installation on residential building of three stories or less. While there is a statement that the project will provide 100% of energy need on site there is no detail explaining how that will be accomplished within the 38' height limit of the project. There is a reference to "solar ready" roofs being installed. This is an appropriate measure for for-sale housing that enables homeowners to install the solar panels post construction, but since this is intended to be held by the project developer, there should be the requirement to install solar panels within the 38' height limit, not just make them solar ready.

1-26

26. Hazardous materials – Given the levels of multiple materials found in soils, it was inappropriate that VOCs were not analyzed in groundwater samples. Groundwater samples should be taken and analyzed for VOCs. This is especially onerous as the most significant soil contaminations were found around the former crusher site which is located very close to existing SFD homes.

1-27

27. Figure 10 is illegible as frequently symbols are covering the results so there is no ability to truly evaluate locations of data.

1-28

28. Two of the proposed soil excavation areas are very close to the sensitive receptor of the senior day care center and no reference is made to extra precautions to be made in excavation and off haul.

Letter 1 cont'd

1-29

29. The report suggests that there may be asbestos and/or lead based paint but only requires a future analysis of the existence of those materials – it is inadequate at this stage of a proposed MND to not know the existence of these potential hazardous materials when determining that a MND rather than a full EIR is necessary for project analysis that conforms to CEQA requirements. This omission is more glaring given the lack of acknowledgement that there is a sensitive receptor immediately adjacent to the project site along Monterey Road.

1-30

30. Hydrology and Water Quality. This entire section of the IS is invalid as it was evaluated under the mistaken assumption that the site is within the jurisdiction of the Central Coast Regional Water Quality Control Board when in fact all jurisdiction and standards should have been analyzed under the jurisdiction of the San Francisco Bay Regional Quality Control Board and the NPDES permit thereof. https://www.waterboards.ca.gov/waterboards_map.html

1-31

31. Noise – once again the IS ignores the sensitive receptor to the west of the project on Monterey Road of a senior day care center.

1-32

32. The analysis of noise based upon construction time limits that disallow construction from 8pm to 7 am are focused solely on the SFD sensitive receptors and ignore the daytime use of the Senior day care center whose outdoor day use area shares a fence line with the construction site and no mitigation is proposed. Additional consideration such as the installation of a masonry wall prior to excavation and grading should be given to this adjacent use.

1-33

33. Inadequate mitigation is provided for future residents impacted by the UPRR proximity and additional noise attenuations including more significant noise reducing windows should be required.

Letter 1 cont'd

1-34

34. Noise analysis of impact on the Senior Day Care center from HVAC is inadequate. The building template analyzed shows that all buildings interfacing with existing or future SFDs are oriented in a way that only the end of the row of HVAC units are facing the residential uses. Building 5 adjacent to the Senior Day Care Center is oriented so the long side of the building is facing the daycare center therefore exposing it to dramatically more HVAC units in a 25' distance than the analyzed impact on the SFDs.

1-35

35. All noise mitigation measures related to construction activity need to address multiple locations of sensitive receptors and have any semi-permanent equipment located on the south side of the site to avoid potential impacts.

1-36

36. Mitigation measures indicate required notices to residences only for construction activity. These notices should be delivered to all adjacent properties and if not at least to all sensitive receptors.

1-37

37. Vibration mitigation measure references a 26' distance from existing structures – this ignores the outdoor area at the Senior Day Center which should also have equal setback from vibration mitigation measures.

1-38

38. Transportation analysis ignores several items:

- a. - #68 Bus Stop at Hale and Llagas not only is almost a mile away but there is no safe pedestrian path of travel to access the bus stop.
- b. #87 bus stop is a school bus going from Sobrato to Live Oak and runs on one-hour headways 6:30AM - 8:30 AM and 2:00 PM – 5:00 PM. The report should admit that this is not a full day bus service. This line is

Letter 1 cont'd

1-38
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references as a way for residents to access businesses downtown which is laughable given that the service ends at 5:00 PM.

1-39

39. Hexagon report - A typical mode split in Morgan Hill would be a three percent transit share. Assuming up to three percent transit mode share for the proposed project equates to no more than three transit riders during each of the peak hours. Hexagon report March 2021. Again, there is no safe route for pedestrians to access ANY bus line that operates all day long.

1-40

40. Sidewalks – the IS states “The implementation of the missing sidewalk segments is beyond the responsibility of the proposed project because their construction would require work within, and possibly acquisition of, right-of-way that is not controlled by the project applicant.” While the statement may be factual as to control of right of ways, the lack of control for future public improvements is not grounds under CEQA or any standard municipal regulatory process to waive requirements to make improvements. The project cannot claim access to facilities like mass transit stops and then ignore the lack of sidewalks to access those stops safely. This potential mitigation should be revisited.

1-41

41. There is no safe route to school from the project site to Sobrato High School (without accessing Taylor as stated in the Trip Generation study) which will be a high pedestrian traffic generator from this project.

1-42

42. Using Taylor for all pedestrians going to the bus stop at Monterey and Peebles rather than installing sidewalks on Monterey is nothing more than the developer trying to save money while pushing an impact into the existing neighborhood. Pedestrian access to Taylor should be disallowed and the developer should pay to install sidewalks along Monterey to create a safe route to school and the nearby bus stop.

Letter 1 cont'd

1-43

43. VMT analysis relies upon pedestrian generators near the project would reduce VMT. Again, the locations that are referenced do not have safe path of travel access for pedestrians due to lack of sidewalks in multiple locations.

1-44

44. The VMT analysis also references state guidelines that presume that 100 percent affordable projects improve job housing balance. This premise is flawed in Morgan Hill given the very poor imbalance that exists for lack of job compared to housing. The OPR report assumes that the 100 percent affordable projects would be located in cities with mass transit and/or high job counts and neither applies to this project site.

1-45

45. The IS proposes a left turn channelization on eastbound Madrone. There is insufficient roadway width to enable this channelization without having significant impact on the driveway circulation for the property across Madrone from the project site as well as creating unsafe paths of travel for bicycles along Madrone. This left turn lane would be less than 80 feet from the driveway across the street creating a hazardous queuing situation for cars attempting to make a right turn into the driveway while navigating around the left turn lane and in the same lane as eastbound through traffic.

1-46

46. The proposed right turn channelization island at the driveway on Monterey will cause 100 percent of PM peak traffic coming from the north to use the single driveway on Madrone with vehicles using Monterey making a left turn across Madrone and vehicles coming from 101 to make a right turn on Madrone. This focusing of traffic on one driveway was inadequately analyzed.

1-47

47. Additionally, the proposed driveway on Monterey is less than 80' from the driveway to the Senior Day Care Center creating a vehicle conflict that was

Letter 1 cont'd

1-47
cont'd

inadequately studied and not mitigated properly. Moving the project driveway to the south toward Madrone will decrease the potential conflict with the Senior Day Care Center.

Geotechnical report

1-48

48. The geotechnical report inaccurately describes the project of having 12 two to three story buildings. The project has 14 two to three story buildings, and it is unclear if the geotechnical company was given an accurate plan set to do their analysis?

1-49

49. Four borings were drilled at the site on July 16, 2020, and 14 borings in May and June of 2020. Free groundwater was only encountered in two of the borings. The report continues, "We note that the borings may not have been left open for a sufficient period of time to establish equilibrium groundwater conditions. Groundwater levels can vary in response to time of year, variations in seasonal rainfall, tidal influence, well pumping, irrigation, and alterations to site drainage." How is this acceptable science and how can the City adequately evaluate the impact of the project with statements like this? How long did they leave them open and how long should they have been left open? Later borings (September 2020 found additional groundwater at 30' bgs. Additionally, all borings have been made in the summer during drought conditions. There is no ability to truly evaluate if there is groundwater at higher elevations that may contain a plume of the multiple hazardous chemicals that have been found in the soil. If there is a plume, the general confluence of groundwater in this area drains toward the San Francisco Bay which would point the plume directly at the homes on Taylor and Ginger. Further the Phase I ESA states that, "According to Santa Clara Valley Water District GIS data accessed March 2020, depth to first groundwater at the site is typically 10 to 20 feet." which further questions the Summer timing of all

**Letter 1
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**1-49
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borings. One has to question if three different boring events all coincidentally occurred in summer months?

Phase I ESA and Limited Phase II soil screening

1-50

50. The report states that "Based on results of testing, specifically in the area of the vehicle crusher, it appears that levels of elevated metals and petroleum hydrocarbons are generally present in the upper 1 to 2 feet of soil at the site." Recommended mitigation measures in the IS only call for removal of soil down to .5 foot and one foot level which is inadequate to remediate the known contaminates. The initial remediation should be to a 2-foot level and then allow for further evaluation by surface and lateral testing.

1-51

51. The report states that the "Santa Clara County Hazardous Materials Compliance Division files for the site, if any, were not reviewed because of COVID-19 related closures." This inadequate review should be remedied now that the County is open.

1-52

52. According to ASTM E1527-13, the "shelf life" of an ESA report is six months; an update can be provided to the client within the first year of the report's publication. Report is March of 2020, and the Phase II report was done in October of 2020 so both reports are stale and need to be updated for proper analysis. The soils remediation plan was signed more than six months after the date of the Phase II ESA invalidating the recommendations since the report was not updated.

Phase II ESA

1-53

53. Groundwater borings were not done anywhere near the SFDs on Taylor and Ginger and were not done "downstream" from the vehicle crusher. The crusher was the location of the most severe hazardous materials findings and soil remediation – to not have tested for groundwater between the crusher and the

**Letter 1
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**1-53
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existing SFDs on Taylor and Ginger is a flawed analysis of existing hazardous materials. This leaves a gaping hole in any analysis of groundwater intrusion given the location of the crusher and dismantling facilities

Trip Generation Study

1-54

54. The intersections analyzed are all to the south and east of the site somehow suggesting that 100 percent of traffic will NOT use Monterey Road to the North. This is a flawed analysis and the Peebles and Barret intersections with Monterey should be studied.

1-55

55. The project trip distribution pattern and assignment of project trips is extremely flawed by suggesting that virtually none of the AM peak departures will use the driveway on Monterey. The unquestioned commute direction in AM peak is North and anyone who lives in this vicinity will tell you that you will take Monterey to Bailey to access 101 rather than Making a left turn out of the Madrone driveway and going to Cochrane to access 101. Neighbors in this vicinity have confirmed that GPS systems like apple maps and google maps will point traffic to Monterey>Bailey>101 north rather than Cochrane>101 north.

1-56

56. The report accurately identifies the lack of ADA compliant ramps at multiple intersections and states the City may require the developer to install or contribute to ramps at the identified locations. The City should require these contributions.

1-57

57. The report concludes that a full traffic analysis is not warranted. However, the report accurately identifies 100 peak trips generated as a threshold for requiring further analysis and states that the project will have 107 PM peak trips. This should be enough the City staff to require a more detailed traffic analysis.

Letter 1 cont'd

Site Plan Documents

1-58

58. The scope of project in terms of hazardous material clean up, dramatic change of land use and intensity of proposed land use merits a full EIR under CEQA requirements.

59. Plans do not adequately address finishing street and landscape at the terminus of Taylor Avenue. Project should be required to fully landscape and maintain area along Taylor all the way to fence separating street from detention ponds including remnant parcel 726-36-073. This parcel is owned by same ownership group that developer purchased the subject property from and should not be excluded from City review and conditions simply because this small out parcel was not transacted. This small 2,218 sf parcel will become a blight in the neighborhood if not improved as part of project.

1-60

60. Soil compaction is inadequately addressed given the existence of hazardous materials in the subsurface. While soils report identifies low levels of hazardous materials, the standard process of over excavation will both expose hazardous materials into the air and potentially recompact them in a way that hazardous material overconcentration could occur. Further mitigations for over excavation and potential harm from airborne hazardous materials should be considered.

1-61

61. Flood impacts to the future project and the future project's contribution to downstream flooding was inadequately assessed and should require a full EIR analysis. Site plans indicate that storm drainage is sized to meet RWQCB standards, but no mention is made of the City's flood master plan and conformance thereto.

62. Undergrounding of utilities – Site plans indicate the undergrounding of on-site utilities; project should be responsible to underground utilities along Monterey

Letter 1 cont'd

Road in front of the site as well as in a manner that completes one block of that street frontage to avoid an uneven undergrounding treatment – this requirement has been placed on other projects in Morgan Hill and would not be an unusual burden on this project.

1-63

63. Removal of existing structures – no analysis was provided as to any potential hazardous materials in structures – MND analysis is inadequate and should include a full EIR analysis of demolition and handling of hazardous materials including in structures to be demolished. This should include both permanent structures as well as the hazardous materials in vehicles (if any are still present) that can become airborne when disrupted and moved since it is likely that the vehicle removal will occur in a concentrated time which could lead to elevated levels of airborne hazardous materials impacting nearby residents and businesses.

1-64

64. Hazardous material report did not do any soil analysis under the covered work area (11,999 sf building) where higher concentrations of hazardous materials is likely because of work that was performed there. Soil testing in that footprint is necessary to determine full extent of hazardous materials on site.

65. Tot lots and any other “park” facilities should not count toward the City of Morgan Hill Park fee or park delivery requirements as they are private in nature.

66. Easements and exceptions referenced in site plan are inadequately explained to provide for any public review of the potential impacts of these recorded documents.

Letter 1 cont'd

67. Inadequate interface analysis was given to adjacent SFD properties. While there is a step back of heights proposed along Taylor avenue there is none proposed for the SFD properties on Ginger Way in Buildings 7, 9, 10 and 11 in site plan.
68. Ginger Way properties are also impacted by inadequate setbacks from surface parking with placing parking stalls within the setback adjacent to the property lines with homes on Ginger Way.
69. Parking stall lengths, while there was a waiver for interior tandem stall length – did they get waiver on surface parking length? – only proposing 15' deep which seems below standards.
70. Handicap (HC) parking spaces are inadequately disbursed throughout the project and should be relocated and violate ADA because all HC spaces are in open spaces, and none are provided in covered carports.
71. Page 3 of the SB330 site plan on City's website makes reference to "City Comment #8 in two locations with no explanation of what that comment is or was hence providing no ability for public to adequately comment on the documents provided. This along with other flaws in the application should lead to a recirculation of documents and a new public comment period.
72. Proposed EVA to Taylor Avenue should be moved to the south to reduce impacts to adjacent SFD home to the fullest extent possible.
73. Storm Drain system is only designed for a 10-year event and detention is designed for only a 25-year event – neither of these standards are adequate to provide mitigation for this project's impact on local flooding impacts and should require a

1-73

Letter 1 cont'd

1-73
cont'd

full EIR review to determine appropriate mitigations for this proposed project.
Are these standards correct for San Francisco Bay Region of the RWQCB?

74. Page 4 of site plans claim that the project includes design elements from three different categories of "Complete Street Design Elements" with no explanation of what they are or what categories are covered.
75. Note A5 on page 4 suggests compliance with vision triangles. The location of the triangle shows the triangle including a parking stall or more which is not allowed in the vision triangle. It is also unclear if the site plan complies with a vision triangle at the corner of Madrone and Monterey as none is drawn on the site plan.
76. Site plan inaccurately states that the project complies the MH parking requirements. While the project may have received a waiver under new state laws it is misleading to the public to state that it complies, and this page should be revised appropriately and recirculated prior to any public hearings. This identical comment applies to all areas where the project received waivers or exceptions to MH codes under state laws but now suggests on their plans that they are in compliance with MH codes.
77. It is unclear if the project complies with the minimum EV parking spaces required under MH and state codes. Also, the EV stations proposed are too concentrated in the SW corner of the project and should be disbursed to have at least one EV stall in each of the drive aisles including aisles H, J and K. Labeling stalls as "future EV parking: does not comply with local and state mandates.
78. Note A27 indicates that the project includes two different rooflines, and it is unclear if each and every building conforms with that requirement.

Letter 1 cont'd

85. Buildings 6 and 7 do not provide for fire truck ladder access on two sides of the buildings which exceed 30' at their highest point.

86. Page 6 of site plans do not include sections for the property line along Monterey or Taylor. This is a flaw and needs to be corrected so the public fully understands what is being proposed.

1-87

87. DR 06 is the proposed cut on the exhibit deeper than the soil testing and/or the soil remediation that is proposed in the soils report? If so, this could disturb hazardous materials and place them in the air causing harm to workers and nearby residents and businesses.

1-88

88. DR06 if the cut dirt is being relocated to the fill area did the geological report evaluate the increase concentrations of hazardous materials that could occur when moving bad dirt from one location to on top of bad dirt in another location? It appears that a significant amount of fill is happening in a single location adjacent to the neighboring property on Rose lane and could create hazardous material concentrations that exceed State and Federal acceptable levels.

1-89

89. DR 07 The location of underground retention basins adjacent to SFD homes on Taylor and Ginger may lead to intrusion to these properties and the underground facilities should be relocated to not be immediately adjacent to other properties to avoid impacts.

1-90

90. DR07 There is no analysis indicating if the 8" SS line and 21" SD line in Taylor avenue are sized to handle any additional impact from the project or if and by how much the project if impacting those lines. It appears that the only connection to a SD lateral is along Taylor. This 21" SD line was never sized to handle an

Letter 1 cont'd

**1-90
cont'd**

additional 249 homes. This lateral was sized to handle the few SFD homes along Taylor only. If this is the only connection or a connection that has more than a few homes, it will severely overtax the existing SD system.

1-91

91. There is no indication to where the project will connect to the SS system on DR07. Same comment as above for any SS connection to existing lines especially if it is being proposed to connect to the 8" SS line in Taylor Avenue.

92. DR 07 there does not appear to be any street lighting being placed on Taylor and this project should be required to add street lighting along its frontage.

93. DR09 Why does the fire truck exhibit not show turning radii on multiple drive aisles – does this mean these drive aisles cannot accommodate appropriate fire apparatus. As mentioned above there are instances where drive aisles do not accommodate CALFIRE's requires 26' aisle width to access two sides of a building whose highest point exceeds 30'.

94. DR10 why are there no streetlights being shown on Monterey, Madrone or Taylor?

LETTER 1: BRIAN SULLIVAN, SEPTEMBER 7, 2021

Response to Comment 1-1

Changes in land use types do not govern whether an EIR is required pursuant to CEQA. Rather, an EIR is required when there is substantial evidence that a project may have a significant effect that cannot be avoided by imposition of mitigation measures or revisions to the project. Significant impacts are determined by thresholds of significance (CEQA Guidelines Section 15064[b]). The Initial Study Checklist included in Appendix G of the CEQA Guidelines was used to decide whether to prepare an Environmental Impact Report (EIR), in accordance with CEQA Guidelines Section 15081. Impact determinations in the Initial Study Checklist are based on project-specific evaluations of whether project construction or operation would trigger the thresholds of significance. The lead agency can issue a Negative Declaration (IS/ND) if potentially significant impacts are not identified. If the Initial Study identifies potentially significant effects resulting from the project, but the impacts can be mitigated to a less-than-significant level, the lead agency may issue a Mitigated Negative Declaration (IS/MND). The Initial Study prepared for the proposed project did not identify any significant environmental impacts that could not be mitigated to a less-than-significant level, and, therefore, the preparation of an EIR is not required for the proposed project.

Response to Comment 1-2

The proposed project has been fully analyzed through the preparation of an IS/MND. Regarding recirculation, CEQA Guidelines Section 15073.5 states that a negative declaration is required to be recirculated when the document must be substantially revised after public notice of the document's availability has previously been given. According to CEQA Guidelines Section 15073.5 substantial revision of the negative declaration includes the following:

- 1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- 2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

Additionally, pursuant to CEQA Guidelines Section 15073.5, recirculation is not required under the following circumstances:

- 1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
- 2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
- 3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
- 4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Clarifying revisions have been made to the IS/MND in response to comments included in this document; however, as noted above, when new information is added to the negative declaration to merely clarify, amplify, or make insignificant modifications to the negative declaration, criteria for recirculation are not triggered. As such, recirculation of the document is not required.

Response to Comment 1-3a

Although this project is located within the jurisdiction of the San Francisco Bay (Region 2) Regional Water Quality Control Board (RWQCB), the City's Residential Development Design and Development Standards require that the project comply with the requirements of the Central Coast Region (Region 3) as documented by the Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements ("Stormwater Guidance Manual"). In addition, since the City's National Pollutant Discharge Elimination System (NPDES) Permit was issued by the Central Coast Region (Region 3), the NPDES Permit provisions can be applied to this project.

Response to Comment 1-3b

The nearest sensitive receptors identified for the proposed project are the single-family homes located to the northwest of the project site, with the nearest sensitive receptor located approximately 25 feet from the project site boundary. The distance of the MMS Behavioral Day Program from the nearest project site boundary is comparable to that of the nearest sensitive receptor identified in the IS/MND. Therefore, the MMS Behavioral Day Program would not experience greater impacts than what has been analyzed within the IS/MND. Further discussion regarding air quality and noise impacts on the MMS Behavioral Day Program is provided in Responses to Comments 1-18 and 1-31 below.

Response to Comment 1-3c

Concerns regarding parking shortages are not directly related to CEQA impacts. In fact, in response to *San Franciscans Upholding the Downtown Plan v City and County of San Francisco* (2002) 102 CA4th 656, 697, the question that used to be in CEQA Guidelines Appendix G Checklist regarding parking impacts was deleted. Nevertheless, the following response regarding parking provided at the project site is provided for informational purposes.

The City of Morgan Hill Code of Ordinances (18.72.030 – Required Parking Spaces) indicates that multi-family dwellings are required to provide 1.5 on-site spaces for each one-bedroom dwelling unit, 2 on-site spaces for each two-bedroom dwelling unit, and 2.5 on-site spaces for each three-bedroom dwelling unit. However, Section 18.48.050 (Affordable Housing – Concession and incentives) allows the applicant to request for a density bonus and parking ratio reduction as provided in Government Code Section 65915 (Density Bonuses and Other Incentives). Pursuant to Government Code Section 65915(p), the City may not require an eligible development to provide on-site parking that exceeds the following ratios: 1 on-site space for each one-bedroom dwelling unit and 1.5 on-site spaces for each two- or three-bedroom dwelling unit. Based on parking ratios set forth by State law, the project is required to provide 339 on-site parking spaces. Therefore, the proposed 428 on-site parking spaces would exceed the parking required by City and State

regulations. The comment provides no substantive new information in regard to the project's effect on transportation impacts pursuant to CEQA requirements.

The proposed tandem parking spaces are shown on the site plan to measure 16 feet long and 11 feet wide for each compact space and 20 feet long and 11 feet wide for each standard space. The proposed dimensions would exceed the City's required dimensions of 16 feet long and 9 feet wide for compact spaces and 18 feet long and 9 feet wide for standard spaces (18.72.060 – Parking design and development standards). Therefore, deficiencies regarding the proposed quantity and design of on-site parking spaces were not identified.

Response to Comment 1-3d

The comment appears to refer to comments made on the plan set prepared by the project applicant, rather than the discussion provided in the IS/MND. Pages 14 and 18 of the IS/MND provide a detailed discussion regarding the density bonus and concessions, design waivers, and all requested/required entitlements of the proposed project.

Response to Comment 1-4

The project description section of the IS/MND provides a broad overview of the proposed project, and the existing setting surrounding the project site. As such, the description of the land uses surrounding the project site broadly provided the land uses in the area such that the single-family residences located to the northwest of the project site were not explicitly listed in the project setting. To clarify, revisions have been made to Page 2 and Page 9 of the IS/MND, in ~~strike-through~~ and double-underline format, to identify the single-family homes to the northeast of the project site.

The Surrounding Land Uses and Setting section of the IS/MND on Page 2 is hereby revised as follows:

The project site is bounded by Monterey Road to the west and Madrone Parkway to the south. Surrounding uses include a vacant lot (designated for future residential development) to the north, beyond which are single-family residences, commercial and industrial uses to the west and south across Madrone Parkway, and single-family residences to the east and northeast. In addition, a storm drainage canal runs parallel to the project site's southern boundary and terminates in a water quality basin located south of the project site.

The Project Location and Setting section of the IS/MND on Page 9 is hereby revised as follows:

The project site is generally bounded by Monterey Road to the west and Madrone Parkway to the south. A storm drainage canal runs parallel to the southern boundary of the project site and terminates in a water quality basin located south of the project site. A vacant lot (designated for future residential uses) is located north of the site, beyond which are single-family residences. Single-family residences are also located east and northeast of the site. In addition, commercial and industrial uses, such as the Madrone Food Market, the Rancho Motel, and Paramit Corporation, are located to the west and south of the site.

The aforementioned revisions are for clarification purposes only, and do not affect the conclusions of the IS/MND.

Response to Comment 1-5

Page 4 of the IS/MND states, “the environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Less Than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.” As such, the Greenhouse Gas Emission section was not checked in the Environmental Factors Potentially Affected checklist because all impacts related to greenhouse gas (GHG) emissions were determined to be less-than-significant, and mitigation was not required. GHG impacts were fully evaluated starting on Page 50 of the IS/MND.

Response to Comment 1-6

Page 4 of the IS/MND states, “the environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Less Than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.” As such, the Utilities and Service Systems section was not checked in the Environmental Factors Potentially Affected checklist because all impacts related to utilities and service systems were determined to be less-than-significant, and mitigation was not required. Impacts related to utilities and service systems were fully evaluated starting on Page 104 of the IS/MND.

Response to Comment 1-8

Tiering from the General Plan EIR is appropriate for the proposed project given the project’s consistency with the General Plan Land Use Designation assigned to the project site. While tiering is permissible, the City nevertheless concluded a thorough project-specific analysis in the IS/MND. As discussed in Response to Comment 1-1, if an Initial Study identifies potentially significant effects resulting from the project, but the impacts can be mitigated to a less-than-significant level, the lead agency may issue an IS/MND. The Initial Study prepared for the proposed project evaluated project specific impacts and did not identify any significant environmental impacts that could not be mitigated to a less-than-significant level. Therefore, the preparation of an EIR is not required for the proposed project.

Response to Comment 1-11

Please see Response to Comment 1-3c.

Response to Comment 1-12

Please see Response to Comment 1-3a.

Response to Comment 1-13

Direction was provided from the City to connect to the storm line in Taylor Avenue, which is consistent with the City's 2018 Storm Drain Masterplan (SDMP). The SDMP analyzed the existing storm system and shows no deficiencies in the system capacity at this location. The SDMP analyzed the project site's stormwater contribution to the system as a more intense use with more impervious area (more runoff) than what the project has proposed. As discussed on Page 72 of the IS/MND, "New storm drainage inlets and storm drain lines within the internal drive aisles would allow stormwater runoff within Drainage Management Areas (DMAs) 1 and 2 to flow by way of underground storm drains, toward one of two underground retention facilities referred to as SCM-1 and SCM-2 within the Preliminary Stormwater Control Plan... With the installation of outlet control structures to manage peak flows, both retention facilities would be sized to restrict post-project flows to pre-project levels for the 2-year, 10-year, and 25-year, 24-hour storm events as required by the City and the CCRWQCB, and the proposed storage volume would exceed the 95th percentile first flush treatment volume requirement."

Additionally, Pages 73 and 74 of the IS/MND state, "The two underground detention systems, as well as 65,580 square feet of new pervious landscaped and grassy areas, would treat and retain 95 percent of the runoff from the project site and would also maintain peak runoff flows such that they do not exceed pre-project flows in accordance with the stormwater management requirements adopted by Resolution R3-2013-0032." Therefore, while stormwater runoff would be routed to the existing stormwater drainage facilities along Taylor Avenue, the drainage facilities along Taylor Avenue would not be overburdened given that the proposed on-site stormwater drainage facilities would ensure peak runoff flows from the proposed project would not exceed pre-project flows at the project site.

Response to Comment 1-14

While a small portion at the end of the court on Taylor Avenue has views of the western hillsides of the City, the majority of the eastern boundary of the project site is lined by existing mature vegetation, which obscures the views of the western hillsides from Taylor Avenue. This vegetation is around 12-15 feet in height and fully obstructs views of the western hillsides for those along Taylor Avenue until the end of the cul-de-sac is reached, where a large gap in the vegetation occurs and the western hills can be seen. Taylor Avenue is not a through street, and, therefore, the roadway pedestrian, bicyclist, and motorist traffic experiencing this view is relatively limited.¹ Additionally, the City's General Plan EIR notes that uninterrupted scenic vistas to the surrounding hillsides exist

¹ It is important to distinguish between public and private views. Private views are views seen from privately-owned land and are typically viewed by individual viewers, including views from private residences. Public views are experienced by the collective public. These include views of significant landscape features and along scenic roads. California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) case law has established that only public views, not private views, are protected under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720 [3 Cal. Rptr.2d 488] the court determined that "we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: '[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general.'" Therefore, it is appropriate to focus the aesthetic impact analysis on potential impacts to public views.

throughout the City, and are primarily in agricultural areas, open spaces, and other areas that remain largely undeveloped. The General Plan EIR (pg. 4.1-8) considers these views as scenic vistas. As discussed in the IS/MND and the preceding portion of this response, there are no *uninterrupted* views of the western hills along Taylor Avenue. It follows that scenic views would not be subject to substantial adverse effects as a result of the proposed project.

Response to Comment 1-15

As discussed on Page 19 of the IS/MND, “while distant views of the hills to the east of the City are visible across the project site from motorists, bicyclists, and pedestrians travelling along Monterey Road, existing views are partially obscured by utility overhead lines and the existing single-story building and warehouse within the project site.” The relevant threshold of significance established in Appendix G of the CEQA Guidelines is whether the proposed project would have a substantial adverse effect on a scenic vista. The existing development and mature street trees currently obscure portions of the distant views of the hills to the east of the City from Monterey Road. Therefore, although the proposed project would obstruct the brief view of the hills, the existing views are already partially obscured along the roadway, and the incremental increase in obstruction of the views that currently exist along Monterey Road would not be considered a substantial adverse effect.

Response to Comment 1-16

Figure 9 of the IS/MND includes a label for the single-family home located on the corner of Taylor Avenue and Ginger Way as an, “Adjacent 2 Story Residential” building. Nonetheless, to avoid any confusion, Figure 9, as shown below, has been revised to include a label for the homes located along Ginger Way as single-family residential.

Response to Comment 1-17

The approximation of 2,000 cubic yards of soil/materials was determined according to the Preliminary Grading and Drainage Plan which states that approximately 10,200 cubic yards of soil would be cut and 8,200 cubic yards of soil would be required to be filled, thus resulting in approximately 2,000 net cubic yards of soil to be exported from the site (see Page 14 of the IS/MND). The project-specific information was inputted, where applicable, into the California Emissions Estimator Model (CalEEMod) to quantify the proposed project’s emissions. Accordingly, the proposed project’s modeling accounted for the net cubic yards of soil to be exported from the site. According to Section 4.3.3, Dust from Material Movement, of the CalEEMod User’s Guide, the model accounts for the following three types of fugitive dust:

1. Fugitive dust from dozers moving dirt;
2. Fugitive dust from graders or scrapers leveling the land; and
3. Fugitive dust from loading or unloading dirt into haul trucks.

Additionally, as noted on Page 26 of the IS/MND, all projects within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD) are required to implement all of the BAAQMD’s Basic Construction Mitigation Measures (BCMMS), which would be required by the City as conditions of approval, including the requirement that, “all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.” Thus, particulate matter caused by soil being cut and filled on-site was adequately addressed within the IS/MND.

Figure 1
Full Site Conceptual Architectural Rendering



Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

Response to Comment 1-18

Page 28 of the IS/MND identifies the nearest sensitive receptors to the proposed project site as the single-family residences located along Ginger Way and Taylor Avenue, with the closest located approximately 25 feet north of the project site's northern boundary.

The parks located directly across Monterey Highway are substantially farther from the project site as compared to the adjacent single-family homes and, therefore, would be subjected to substantially fewer pollutant emissions as compared to the single-family residences that were evaluated. Additionally, outdoor parks are not considered sensitive receptor locations because visitors of outdoor parks are anticipated to spend a limited amount of time at the park. Generally, an increase in health risks is associated with long-term, regular exposure to pollutants. Construction of the proposed project would occur over approximately two years, and park visitors would be spending a relatively small fraction of that time at the identified parks, and, therefore, would not be regularly exposed to pollutants.

The MMS Behavioral Day Program is an adult daycare which provides social activities, therapeutic activities, transportation, personal care, and meals to adults aged 18 to 59 that require supervised daily care in a safe place outside the home. The MMS Behavioral Day Program does not provide medical care to the attendees of the program. While some adults who attend the MMS Behavioral Day Program spend time engaging in various activities outside, the attendees are not necessarily considered more susceptible to health risks from pollution than residents of the nearby single-family homes. Thus, the MMS Behavioral Day Program would not be a more sensitive land use than the previously identified nearest sensitive receptors. Additionally, the distance of the MMS Behavioral Day Program from the eastern boundary of the project site is comparable to that of the nearest sensitive receptor identified in the IS/MND.

Furthermore, as discussed on Page 30 of the IS/MND, the prevailing wind direction in Morgan Hill is from the west. As such, emissions of diesel particulate matter (DPM) from the use of construction equipment would not be directed towards the MMS Behavioral Day Program, which would further reduce any impacts related to air quality emissions. In addition, as noted on Page 26 of the IS/MND, all projects within the jurisdiction of BAAQMD are required to implement all of the BAAQMD's BCMMs, which would be required by the City as conditions of approval. The proposed project's required implementation of the BAAQMD's BCMMs for the project's construction activities would help to minimize construction-related emissions. Therefore, the MMS Behavioral Day Program would not experience greater impacts than what has been analyzed within the IS/MND.

Response to Comment 1-19

The proposed project's compliance with the 2019 California Building Standards Code (CBSC) is discussed on Pages 26, 43, 44, 54, and 55 of the IS/MND. As discussed therein, the 2019 CBSC requires that residential structures that are three-stories or less in height be constructed with renewable energy systems sufficient to provide 100 percent of the electricity required for the residence. The proposed two- and three-story multi-family residences would be subject to such requirements, and would include on-site renewable energy generation to comply with the 2019 CBSC. The plans included within the IS/MND are illustrative, and are not construction level

drawings. Plans are not required to include specific construction information, such as details regarding on-site renewable energy systems, during the current entitlement process. Regardless, the project would provide 100 percent of the electricity required for each residence, as required by state law, and future plans would include such information for review and approval by the City.

Response to Comment 1-20

As noted on Page 26 of the IS/MND, all projects within the jurisdiction of BAAQMD are required to implement all of the BAAQMD's BCMMs, which would be required by the City as conditions of approval. Consistent with Table 8-2 of the BAAQMD Air Quality Guidelines,² the IS/MND includes all eight BCMMs which are recommended by BAAQMD for all proposed projects within the air district. BAAQMD also recommends that all proposed projects where construction-related emissions would exceed the applicable Thresholds of Significance implement the air district's Additional Construction Mitigation Measures (ACMMs). Table 8-3 of the BAAQMD Air Quality Guidelines lists the ACMMs, which include that, "All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;" and, "the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time."³ As shown in Table 2 on Page 26 of the IS/MND, construction of the proposed project would generate criteria pollutant emissions below all applicable thresholds of significance. Therefore, the proposed project would not be subject to BAAQMD's ACMMs.

Response to Comment 1-21

Mitigation Measure IV-1 of the IS/MND requires a pre-construction nesting survey for raptors and other protected migratory birds be conducted by a qualified biologist and submitted to the City of Morgan Hill Development Services Division for review no more than 14 days prior to the start of construction, if construction is proposed during the breeding season (February 1 to August 31). Tree removal is considered a construction activity, and, therefore, Mitigation Measure IV-1 included on Page 34 of the IS/MND would ensure that the proposed project would not significantly affect potential or current nesting sites. Additionally, Mitigation Measure IV-1 contains performance standards such as construction buffer zones around all active nests which would ensure avoidance and disallowance of tree removal shall active nests be detected during pre-construction surveys.

Response to Comment 1-22

Chapter 12.32, Restrictions on Removal of Significant Trees, of the Morgan Hill Municipal Code does not include specific size or ratio replacement standards that must be met. The replacement requirements for this project have been based on several considerations, including but not limited to the ability for smaller trees to establish more quickly, as well as the reduced amount of root loss that occurs during transplanting, which increases the survivability of smaller trees. Over time, smaller

² Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 8-4]. May 2017.

³ Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 8-5]. May 2017.

trees will grow to the same size as trees with larger initial stock size. Nevertheless, the commenter's concerns have been forwarded to the decision makers for their consideration.

Response to Comment 1-23

The grading plans prepared for the proposed project are preliminary, and, therefore are subject to change during the construction process for the proposed project. Moreover, Mitigation Measure IV-2 included on Page 36 of the IS/MND lists protection measures which would be implemented in the tree protection plan required to be prepared by a qualified arborist for the proposed project. As such, all tree protection measures included in the tree protection plan would be implemented as part of the proposed project, and would be reflected on project improvement plans prepared prior to the initiation of construction activities.

Response to Comment 1-24

Please see Response to Comment 1-23.

Response to Comment 1-25

Please see Response to Comment 1-19.

Response to Comment 1-26

Volatile organic compounds (VOCs) were analyzed in the soil samples collected at the project site, and up to 0.0289 milligrams per kilogram (mg/Kg) of Trichloroethylene was detected in soil sample B3-10. Groundwater was encountered between 39 feet to 41 feet below ground surface (bgs). Due to the very low concentrations of VOCs detected in the project site soils (which were detected well below the ESLs), and the distance of the soil contaminants to groundwater, the groundwater located in the project vicinity was not analyzed for VOCs.

Response to Comment 1-27

Figure 10 is intended to show the soil boring and temporary vapor probe locations, which are clearly indicated on the Figure. For further detail regarding the evaluation of the data collected at each location, see the Phase II ESA prepared for the proposed project by Geosolve, and included as Appendix A to the IS/MND.

Response to Comment 1-28

Water will be used to suppress any dust generated from excavating the contaminated soils on-site. Therefore, the exposure of site workers or any off-site sensitive receptors to dust caused by the excavation and off-haul of on-site contaminated soils is not anticipated.

Response to Comment 1-29

Mitigation Measure IX-2 included on Page 68 of the IS/MND requires the project applicant to consult with certified Asbestos and/or Lead Risk Assessors to complete an asbestos and lead survey which would be submitted for review to the City's Building Division prior to issuance of a demolition permit for on-site structures. Mitigation Measure IX-2 also includes performance standards in the event that asbestos-containing materials and/or lead-containing materials are discovered by the survey. According to CEQA Guidelines Section 15126.4(1)(a)(b):

The specific details of a mitigation measure may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.

Mitigation Measure IX-2 includes sufficient performance standards and, thus, the mitigation measure is adequate pursuant to CEQA Guidelines section 15126.4.

Response to Comment 1-30

Please see Response to Comment 1-3a.

Response to Comment 1-31

Page 79 of the IS/MND identifies the nearest sensitive receptors within the project vicinity as the single-family residences located to the north, east, and west of the project site, with the closest located approximately 25 feet north of the project site's northern boundary. Noise sensitive receptors are defined in the IS/MND as, "locations where people reside or where the presence of unwanted sound could adversely affect the primary intended use of the land. Places where people live, sleep, recreate, worship, and study are considered to be sensitive to noise because intrusive noise can be disruptive to such activities" (see Page 79 of the IS/MND).

The MMS Behavioral Day Program is an adult daycare which provides social activities, therapeutic activities, transportation, personal care and meals to adults aged 18 to 59 that need supervised daily care in a safe place outside the home. The distance of the MMS Behavioral Day Program from the nearest project site boundary is comparable to that of the nearest sensitive receptor identified in the IS/MND. Additionally, Mitigation Measures XIII-1 through XIII-4 would regulate the hours of construction for the proposed project; how construction equipment operates at the project site; type of HVAC mechanical equipment selected for the proposed project; and distance from residences at which vibratory compactors may be used. The mitigation measures would ensure that the proposed project complies with all federal, State, and local regulations, including Section 8.28.040(D) of the City's Municipal Code. Therefore, Mitigation Measures XIII-1 through XIII-4 would reduce

construction and operational noise and vibration impacts on all sensitive receptors in the project vicinity, including the MMS Behavioral Day Program, to a less-than-significant level.

Response to Comment 1-32

Please see Response to Comment 1-31.

Response to Comment 1-33

As discussed on Page 83 of the IS/MND, impacts of the environment on a project (as opposed to impacts of a project on the environment) are beyond the scope of required CEQA review. Therefore, for the purposes of the CEQA analysis, the relevant inquiry is not whether future residents at the proposed project will be exposed to preexisting environmental noise-related hazards, such as noise associated with the UPRR, but instead whether project-generated noise will exacerbate the pre-existing conditions. Therefore, the evaluation of estimated noise levels at the exterior of the proposed buildings was provided within the IS/MND for informational purposes and to develop project conditions of approval.

As discussed therein, noise emanating from Monterey Road, Madrone Parkway, and the UPRR would be primarily shielded by intervening project buildings, with resultant noise levels anticipated to be less than the City's 60 dBA L_{dn} noise level standards. Additionally, exterior noise levels at the patio, tot lot, and open space area would remain below 60 dBA L_{dn} with implementation of the proposed project, and the provision of 22 to 28-foot-tall buildings would further provide additional acoustical shielding of these areas from Monterey Road and the UPRR tracks. Therefore, further noise reduction would not be required for the proposed project.

Response to Comment 1-34

As noted on Page 86 of the IS/MND, information regarding the type and size of the mechanical equipment units to be used in the project is not currently available. The analysis regarding the use of roof-top mechanical equipment, such as HVAC systems for the proposed project, was conducted relative to the nearest single-family residence located approximately 25 feet from the HVAC equipment on the roof of the northernmost proposed residential building. The distance of the MMS Behavioral Day Program from the nearest proposed residential building would be comparable to that of the nearest single-family residence identified in the IS/MND.

Nevertheless, Mitigation Measure XIII-3 included on Page 90 of the IS/MND states that all mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. As such, a qualified acoustical consultant would be retained to review mechanical noise as HVAC systems are selected to determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. During the acoustical consultant's review, noise levels at all noise sensitive receptors in the project vicinity would be reviewed, including the MMS Behavioral Day Program.

If necessary, noise reduction measures such as enclosures or parapet walls would be installed to block the line-of-sight between the noise source and the nearest receptors. Once selected and

reviewed by the acoustical consultant, the proposed mechanical equipment systems and noise reduction measures would be included on project improvement plans and building plans, subject to review and approval by the City of Morgan Hill Development Services Department. Therefore, the MMS Behavioral Day Program would not experience noise impacts greater than what was analyzed within the IS/MND.

Response to Comment 1-35

Mitigation Measure XIII-2 requires that, “material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors” (see Page 87 of the IS/MND). Therefore, compliance with Mitigation Measure XIII-2 would ensure that noise impacts associated with the location of semi-permanent equipment used during project construction would be reduced to a less-than-significant level.

Response to Comment 1-36

Page 79 of the IS/MND identifies the nearest sensitive receptors within the project vicinity as the single-family residences located to the north, east, and west of the project site, with the closest located approximately 25 feet north of the project site’s northern boundary. As such, Mitigation Measure XIII-2 indicated that notices of construction would be required for all residences in the project area. In response to the comment, minor revisions have been made to Mitigation Measure XIII-2, in ~~strike-through~~ and double-underline format, to require notices be sent to all sensitive receptors in the project vicinity.

Mitigation Measure XIII-2 of the IS/MND on Page 87 is hereby revised as follows:

XIII-2 To the maximum extent practical, the following measures shall 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~~ noise-sensitive receptors 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.

The aforementioned revision is for clarification purposes only, and does not affect the conclusions of the IS/MND.

Response to Comment 1-37

As noted in Table 12 of the IS/MND, 0.2 in/sec peak particle velocity (PPV) is the threshold at which there is a risk of architectural damage to a normal dwelling such as houses with plastered walls and ceilings. Additionally, Table 13 of the IS/MND shows that because operation of vibratory compactors/rollers used for construction of drive aisles and parking spaces could operate at a distance of approximately 25 feet from existing structures, groundborne vibrations at the structures could potentially exceed 0.2 in/sec PPV. Thus, Mitigation Measure XIII-4 would be required to ensure that architectural damage to nearby structures would not occur during construction of the proposed project. However, the outdoor area of the MMS Behavioral Day Program is not a structure, and, therefore, architectural damage to outdoor area of the MMS Behavioral Day Program would not occur during construction of the proposed project.

Response to Comment 1-38a

A continuous pedestrian route to the Route 68 bus stop at Hale Avenue/Llagas Road does not exist. The Route 68 stop at Hale Avenue/Llagas Road requires an approximately 1.5-mile discontinuous pedestrian route and use of the Old Monterey Road/Monterey Road intersection to cross the railroad line. However, the Trip Generation and Operations Analysis prepared for the proposed project does discuss the pedestrian route to the Route 68 bus stop at Tilton Avenue/Hale Avenue because it is located closer (approximately one mile) than the referenced Hale Avenue/Llagas Road stop and provides the use of the Monterey Road/Tilton Avenue intersection to cross the railroad line.

Response to Comment 1-38b

The Trip Generation and Operations Analysis prepared for the proposed project does not reference the individual use of the referenced bus lines by residents. The referenced Route 87 is identified as a local bus route that serves the Civic Center as well as the referenced high schools in the City. Service to the Downtown area is provided by Route 68 throughout the day.

Response to Comment 1-39

The Trip Generation and Operations Analysis prepared for the proposed project identifies the discontinuous pedestrian routes to bus stops. However, the transit demand generated by the project (three riders per peak-hour) does not justify the project being solely responsible for the implementation of missing pedestrian facilities.

Response to Comment 1-40

Impact significance pursuant to CEQA is based on comparison with thresholds of significance. Mitigation requirements are only triggered if the analysis determines that the threshold will be exceeded by the project, thus causing a significant impact. The threshold for transit, pedestrian, and bicycle facilities, pursuant to Appendix G of the CEQA Guidelines (see Section XVII, Transportation, on Page 98 of the IS/MND) is not whether continuous pedestrian routes to bus stops or schools exist in the project vicinity, but whether the project would “conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.”

The adopted Morgan Hill General Plan contains goals and policies to encourage walking, bicycling, and transit use, increase pedestrian safety, and create a land use context to support non-motorized travel. While discontinuous sidewalks exist in the project vicinity, the project meets the City’s standards by providing sidewalk facilities along the project site frontages. As other properties develop or redevelop in the future, they will similarly be responsible for completing their portion of the sidewalk network along their frontage. Furthermore, the project helps meet the General Plan policies by providing 56 short-term bicycle parking spaces throughout the project site and increasing pedestrian safety by installing ADA-compliant curb ramps at the intersection of Monterey Road and Cochrane Road.

The proposed project would not substantially disrupt existing or interfere with planned pedestrian, bicycle, or transit facilities. For example, the City’s Bikeways Master Plan includes planned bike lanes along Madrone Parkway. Madrone Parkway measures approximately 44 feet wide along the proposed project frontage, consisting of two 22-foot-wide travel lanes. Presuming the installation of two four-foot-wide bike lanes on both sides of the roadway, approximately 36 feet would be available for vehicular traffic. Two 13-foot-wide travel lanes can be provided along Madrone Parkway at the project driveway presuming a 10-foot-wide median left-turn lane into the project driveway that aligns with the westbound left-turn lane at Monterey Road and two 4-foot-wide bike lanes. Therefore, the proposed median turn lane serving the project driveway would not conflict with planned bike lanes along Madrone Parkway.

Response to Comment 1-41

Please see Response to Comment 1-40.

Response to Comment 1-42

Please see Response to Comment 1-40.

Response to Comment 1-43

As noted on Page 101 of the IS/MND, according to the OPR recommendations, because the proposed project would be a 100 percent affordable residential development, the project may be presumed to have a less-than-significant impact on VMT. The OPR guidelines state that adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and

reducing VMT. In addition, the OPR guidelines state that in areas where existing jobs-housing match is closer to optimal, low-income housing nevertheless generates less VMT than market-rate housing. Thus, the comment incorrectly infers that the VMT analysis relies upon pedestrian generators. The referenced language in regard to pedestrian generators is provided only for context. VMT is not solely dependent on the availability of pedestrian facilities. The project being located less than two miles from Downtown Morgan Hill and light industrial/manufacturing near the project vicinity provides an opportunity for short-distance commute trips, even if the trips would occur by automobile.

Response to Comment 1-44

The project being located less than two miles from the Caltrain station would provide an opportunity for residents to commute by transit to job areas outside of Morgan Hill, even if a portion of the trips (i.e., between the project site and Morgan Hill Caltrain station) would occur by automobile. Furthermore, the City's General Plan provides for job growth to achieve a more balanced job to housing ratio. Thus, the project would be considered as part of the cumulative solution to meet the General Plan's long-range transportation goals.

Response to Comment 1-45

The City's Bikeways Master Plan includes planned bike lanes along Madrone Parkway. Madrone Parkway measures approximately 44 feet wide along the proposed project frontage, consisting of two 22-foot-wide travel lanes. Presuming the installation of two 4-foot-wide bike lanes on both sides of the roadway, approximately 36 feet would be available for vehicular traffic. Two 13-foot-wide travel lanes can be provided along Madrone Parkway at the project driveway presuming a 10-foot-wide median left-turn lane into the project driveway that aligns with the westbound left-turn lane at Monterey Road and two 4-foot-wide bike lanes. Therefore, the proposed median turn lane serving the project driveway would not conflict with planned bike lanes along Madrone Parkway.

Regarding the driveway separation, the Madrone Parkway driveway would be separated by approximately 80 feet to the nearest adjacent driveway to the east, which serves a light industrial building. Per Table 18.72-5, Driveway Setbacks from Intersections, of the Morgan Hill Municipal Code Section 18.72.060(j), residential uses are required to be at least 10 feet from the nearest intersection and industrial uses are required to be at least 30 feet from the nearest intersection. Therefore, the proposed driveway separation between the proposed residential development and existing industrial use would exceed the minimum separation required per City Code.

Response to Comment 1-46

As described in the Trip Generation and Operations Analysis prepared for the proposed project, the left-turns into and out of the project driveway along Monterey Road are currently prohibited due to the double solid striped median lane that serves the southbound left-turn lane to Madrone Parkway. Nevertheless, the possibility exists that illegal left-turns to and from Monterey Road at the project driveway would occur because physical restrictions do not occur. Additionally, usage of the median lane by project traffic may interfere with the operations of the southbound left-turn lane at the

Monterey Road/Madrone Parkway intersection. Therefore, right-turn channelization at the Monterey Road driveway is warranted.

Response to Comment 1-47

The Monterey Road driveway would be separated by approximately 80 feet to the nearest adjacent driveway to the north, which serves the MMS Behavioral Day Program. Per Table 18.72-5, Driveway Setbacks from Intersections, of the Morgan Hill Municipal Code Section 18.72.060(j), residential uses are required to be at least 10 feet from the nearest intersection and commercial uses are required to be at least 25 feet from the nearest intersection. Therefore, the proposed driveway separation between the proposed residential development and existing commercial use would exceed the minimum separation required by the Morgan Hill Municipal Code. It should also be noted that sight distance at the proposed right-out only driveway would be adequate, given that drivers exiting the project driveway would only need to look for conflicting vehicles along northbound Monterey Road and vehicles exiting the adult day care center driveway, less than 80 feet to the north.

Response to Comment 1-48

At the time of the preparation of the Geotechnical Report for the proposed project, the report, inadvertently, did not accurately describe the final details of the planned development. However, the investigation included a total of 18 borings extending up to 44 feet deep that were well distributed across the site. The soil conditions were fairly consistent, and geotechnical data has been adequately developed to characterize the site regardless of layout or final building count.

Response to Comment 1-49

The groundwater evaluation conducted for the proposed project was based on a review of soil borings as well as a review of historical data. The referenced Geotechnical Report language was intended to point out that groundwater elevations will change with seasons as well as adjacent land use. It was recognized that the State is amid a dramatic drought season, and groundwater elevations may be depleted as a result. The timing of the borings was conducted to coincide with land acquisition and development cycles. In accordance with the State of California Seismic Hazard report, the historic high groundwater elevation for the project area is approximately 20 to 25 feet below the ground surface. Additionally, the review of the seismic hazard reports groundwater data indicates that the groundwater gradient is directed to the southeast, away from the San Francisco Bay. With regard to hazardous chemical plume concerns, see Response to Comment 1-26.

Response to Comment 1-50

Laboratory analyses prepared for the Phase II ESA indicated petroleum-hydrocarbon and metal impaction was limited to the initial 1-foot bgs. Confirmation samples will be collected after excavation of the shallow soil to confirm the impaction is limited to 1-foot bgs.

Response to Comment 1-51

The inability to review the Santa Clara County Hazardous Materials Compliance Division files due to COVID-19 does not render the Phase I/Phase II analyses inadequate. The Phase I ESA prepared for the proposed project states, “Because of the availability of other data sources, the absence of these items is not considered to be significant data gaps, and in our opinion, further assessment regarding these data gaps is not warranted.” In addition, on-site soil testing was performed to adequately identify the extent of any on-site contaminants.

Response to Comment 1-52

A Phase II ESA report does not have a shelf-life. Furthermore, the reference to a shelf-life for Phase I reports is a standard disclosure to property owners. So long as on-site conditions do not change since completion of a Phase I, there is not requirement under CEQA to update the report regardless of its age.

Response to Comment 1-53

Groundwater samples were not collected east of the crusher because all impactation was limited to the initial one-foot bgs; and elevated concentrations of petroleum hydrocarbons were not detected in groundwater samples collected from the site.

Response to Comment 1-54

As discussed on Page 98 of the IS/MND, the law has changed with respect to how transportation-related impacts may be addressed under CEQA. Traditionally, lead agencies used LOS to assess the significance of such impacts, with greater levels of congestion considered to be more significant than lesser levels. In 2013, however, the Legislature passed legislation with the intention of ultimately removing LOS in most instances as a basis for environmental analysis under CEQA. Pursuant to Senate Bill 743, the Natural Resources Agency promulgated CEQA Guidelines Section 15064.3 in late 2018. It became effective in early 2019. Subdivision (a) of that section provides that “[g]enerally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project’s effect on automobile delay shall not constitute a significant environmental impact.” Nevertheless, the following informational response is offered.

The Monterey Road/Burnett Avenue and Monterey Road/Tilton Avenue intersections currently operate at an acceptable Level of Service (LOS) B or better during the AM and PM peak-hours. The addition of project traffic (5 percent of the total project trips) would not degrade the LOS to unacceptable levels during the AM and PM peak-hours. The use of Monterey Road to Bailey Avenue to access US 101 as referenced in the comment may be a viable route. However, the use of Cochrane Road provides the most direct route to US 101 from the project site. Furthermore, the assignment of project trips to the perceived more congested Cochrane Road route results in evaluating a potentially greater impact to the roadway system than the suggested use of Bailey Avenue. Thus, the avoidance

of the use of Cochrane Road within the traffic analysis would have been seen as attempting to avoid potential project impacts. Even if it were presumed that 50 percent of all project trips were to use northbound Monterey Road, the two referenced intersections would continue to operate at acceptable LOS under existing plus project and cumulative plus project conditions during the AM peak-hour. Therefore, the comment provides no substantive new information in regard to the project's effect on transportation operations.

AM peak-hour counts at Monterey Road/Peebles Avenue are currently not available. However, Monterey Road/Peebles Avenue also is likely operating at an acceptable LOS, given that all study intersections, in addition to the two intersections noted above, operate at an acceptable LOS during the AM peak-hour.

Response to Comment 1-55

During the AM peak-hour (7:00 AM to 9:00 AM), Google Maps was observed to show routes of equal duration to northbound US 101, either through the Cochrane Road ramps or the Bailey Avenue ramps. It should also be noted that sending a majority of northbound commute traffic to use the Cochrane Road ramps was intended to accurately identify any deficiencies to the already congested facilities. The assignment of project trips to the Cochrane Road route results in the evaluation of a potentially greater impact to the roadway system by the project than the use of Bailey Avenue.

Response to Comment 1-56

The Trip Generation and Operations Analysis prepared for the proposed project identifies the lack of ADA-compliant ramps at multiple intersections in the project vicinity. The proposed project would construct ADA-compliant ramps at the northeast corner of the Monterey Road/Madrone Parkway intersection; however, the demand on pedestrian facilities generated by the project does not justify the project being solely responsible for the implementation of missing ADA-compliant ramps.

Response to Comment 1-57

Per Senate Bill (SB) 743 (CEQA Guidelines Section 15064.3[b]) states that VMT will be the metric in analyzing transportation impacts for land use projects for CEQA purposes. Therefore, CEQA no longer requires the evaluation of intersection Level of Service which would be included in the referenced "more detailed traffic analysis." However, the City's current General Plan, adopted in July 2016, uses Level of Service (LOS) as the primary metric for the evaluation of the projected operation of the City's roadway system. Therefore, a Trip Generation and Operations Analysis which does include an evaluation of peak hour intersection LOS was completed for consistency with the General Plan goals and policies. The Trip Generation and Operations Analysis provides supplemental analysis for use by the City of Morgan Hill in identifying potential improvement of the transportation system that may be included as part of the project's Conditions of Approval. However, the identified roadway operations and improvements are not required or considered project impacts pursuant to CEQA guidelines.

Response to Comment 1-58

Please see Response to Comment 1-1.

Response to Comment 1-60

As noted on Page 26 of the IS/MND, all projects within the jurisdiction of the BAAQMD are required to implement all of the BAAQMD's BCMMs, which would be required by the City as conditions of approval, including the requirement that, "all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day." The implementation of this requirement would ensure that soil particles (dust) would not become airborne. In addition, soil contamination areas on-site would be remediated under the oversight of the Santa Clara County Department of Environmental Health (SCCDEH), as required by Mitigation Measure IX-1. Therefore, compaction of hazardous soils on-site would not occur.

Response to Comment 1-61

As noted on Page 74 of the IS/MND, according to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) number 06085C0443H, the project site is located entirely within Zone X, defined as an area that is located outside of the 100-year floodplain, which is consistent with Figure 2.3, FEMA 100 Year Flood Zones, of the City of Morgan Hill 2018 Storm Drain System Master Plan. As such, the project would not impede or redirect flood flows or expose people or structures to a significant loss, injury, or death involving flooding.

Additionally, as discussed on Page 72 of the IS/MND, the proposed project would be designed to include two underground retention facilities which would be sized to restrict post-project flows to pre-project levels for the 2-year, 10-year, and 25-year, 24-hour storm events as required by the City and the CCRWQCB, and the proposed storage volume would exceed the 95th percentile first flush treatment volume requirement. Furthermore, as noted on Pages 73 and 74 of the IS/MND, the two underground retention facilities, as well as 65,580 square feet of new pervious landscaped and grassy areas, would treat and retain 95 percent of the runoff from the project site and would also maintain peak runoff flows such that they do not exceed pre-project flows in accordance with the stormwater management requirements adopted by Resolution R3-2013-0032. Therefore, the proposed project's contribution to downstream flooding would not exceed the pre-project levels, and the proposed project would be in compliance with both City and RWQCB standards.

Response to Comment 1-63

Please see response to Comment 1-29.

Response to Comment 1-64

Field geologists for the proposed project will observe the demolition of the larger 11,999 square foot building to observe any soil staining and/or noxious odors. If any staining and/or noxious odors are discovered, additional soil samples will be collected and analyzed for the same chemical constituents that were analyzed in the Phase II ESA prepared for the proposed project.

Response to Comment 1-73

In regards to the storm drainage system proposed for the project, please see Response to Comment 1-61. In regards to the RWQCB standards, please see Response to Comment 1-3a.

Response to Comment 1-87

Please see Response to Comment 1-28.

Response to Comment 1-88

All soil excavated from the contaminated soil area near Rose Lane will be removed from the site and disposed at a Class I and/or Class II landfill.

Response to Comment 1-89

The Stormchamber system is an engineered storm detention and infiltration system which is designed to filter storm flows and infiltrate into the groundwater. The system has been designed to use the natural sand and gravel deposits of the area to filter and recharge the groundwater basin. Recharge of groundwater is important to the sustainability of the Santa Clara County Groundwater basin and has been performed successfully for decades. The Stormchamber system would not have any adverse effects on the adjacent development as the site is granular and would infiltrate as designed.

Response to Comment 1-90

In regards to the sanitary sewer line, all sanitary sewer lines from the proposed project tie to the sanitary sewer main in Monterey Road. The proposed project does not include a sanitary sewer connection to Taylor Avenue.

In regards to the storm drainage system, direction was provided from the City to connect to the storm line in Taylor Avenue, which is consistent with the City's 2018 Storm Drain Masterplan (SDMP). The SDMP analyzed the existing storm system and shows no deficiencies in the system capacity at this location. The SDMP analyzed the project site's stormwater contribution to the system as a more intense use with more impervious area (more runoff) than what the project has proposed. The proposed project's stormdrain system includes two underground chamber systems. These systems are designed to treat and infiltrate small storms and to detain the larger storms to release at flow rates that are equal to or less than the existing, undeveloped flow rates leaving the site. The storm design provided with the Design Review package is preliminary and will be finalized with the design of the improvement plans for construction.

Response to Comment 1-91

All sanitary sewer lines from the proposed project tie to the sanitary sewer main in Monterey Road. The proposed project does not include a sanitary sewer connection to Taylor Avenue.

Letter 2



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

August 3, 2021

Gina Paolini

City of Morgan Hill

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).

Project: Monterey - Miner (JEMCOR) Apartments Project

Dear Ms. Gibson

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 on June 14, 2021 (find copy of the letter attached) and received project notification on August 6, 2021

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

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

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:

2-1

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

Letter 2 Cont'd

- (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 recorded on 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 search response;
 - If the probability is low, moderate, or high that cultural resources are located in 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, and associated 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.

2-1 Cont'd

Letter 2 Cont'd

2-1 Cont'd

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:

Quirina Geary,
Chairwoman
PO Box 8053
San Jose, CA 95155
(707) 295-4011
ggeary@tamien.org

Johnathan Costillas
Tamien Nation, THPO
PO Box 866
Clearlake Oaks, CA 95423
(925) 336-5359
jcostillas@tamien.org

Please refer to identification number TN-20210806-02 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

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

LETTER 2: QUIRINA GEARY, TAMIEN NATION, AUGUST 3, 2021

Response to Comment 2-1

The City of Morgan Hill has initiated formal consultation with the Tamien Nation pursuant to Assembly Bill (AB) 52 (Public Resources Code [PRC] Section 21080.3.1). All information that has been requested in the above noted letter will be provided to the Tribe, as well as any additional information as deemed necessary during the consultation process. Through the consultation process, the Tribe requested certain modifications to the City's standard archaeological protection measures. These minor changes have been incorporated into the IS/MND, as shown in the Errata provided in the City staff report packet.

Letter 3

From: [Benjamin Hwang](#)
To: [Gina Padini](#)
Cc: [Yvonne Arroyo](#)
Subject: RE: [EXTERNAL] RE: A Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the Monterey-Minor (Jemcor) Apartments Project has been Posted to the City's Website
Date: Tuesday, September 7, 2021 5:20:57 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Gina,

Valley Water staff has reviewed the IS/MND for the Monterey-Minor Apartments and have the following comments:

3-1

1. The proposed development is within the Fisher Creek drainage basin area. Fisher Creek is prone to frequent flooding and is subject to flooding during events as frequent as the 2- or 3-year storm event. The proposed underground retention facilities - Stormwater Control Measures 1 & 2 (SCM-1 and SCM-2) - should provide sufficient capacity to ensure that runoff under post-development conditions do not exceed those under pre-development conditions. Furthermore, additional flooding, both in terms of frequency and lateral extent, should not be induced along Fisher Creek, downstream of the development. The proposed mitigation measures should consider a range of events including the 2-, 10-, 25-, and 100-year 24-hour storm events.

3-2

2. Under Conclusion – Part D (page 74 of IS/MND), it is stated that “...in order to protect the public from potential effects until the ADSRP is complete, a storage restriction of approximately 45 feet below the dam crest has been put in place...” It should be noted that the Federal Energy Regulatory Commission (FERC) has issued a directive to drain the reservoir, rather than impose a storage restriction as stated in the IS/MND.

Please let me know if you have any further questions or need clarification of any of the above comments.

Thank you,

BENJAMIN HWANG, P.E.

ASSISTANT ENGINEER II - CIVIL

Community Projects Review Unit

Watersheds Design and Construction Division

bhwang@valleywater.org

Tel. (408) 630-3066 Cell. (408) 510-0768



SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

Clean Water · Healthy Environment · Flood Protection

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Minor (Jemcor))

LETTER 3: BENJAMIN HWANG, SANTA CLARA VALLEY WATER DISTRICT, SEPTEMBER 7, 2021

Response to Comment 3-1

Please see Response to Comment 1-13.

Response to Comment 3-2

In response to the comment, question ‘d’ of Section X, Hydrology and Water Quality, on Pages 74 and 75 of the IS/MND, is hereby revised as follows:

~~Until recently, i~~ In order to protect the public from potential effects until the ADSRP is complete, ~~a storage restriction of approximately 45 feet below the dam crest has been put in place, with a reduced storage capacity of 61,810 acre-feet. the Federal Energy Regulatory Commission issued a letter on February 20, 2020 directing the SCVWD to immediately initiate a full drawdown of the Anderson Reservoir by October 1, 2020.⁴ Thereafter, FERC instructed the SCVWD to engage in all appropriate measures to maintain and quickly lower the reservoir to deadpool (the point at which the water level is so low that it cannot drain by gravity through the dam’s outlet works) in the event of significant inflow once the elevation is reached. The SCVWD and regulatory agencies (California Division of Safety of Dams and the Federal Energy Regulatory Commission) have approved the restriction and believe that the restriction would be sufficient to prevent the uncontrolled release of water in case of dam failure after a major earthquake. As of December 2020, Anderson Reservoir, the largest reservoir in Santa Clara County, has been completely drained under the direction of federal dam regulators.~~

The aforementioned revisions are for clarification purposes only, and do not affect the conclusions of the IS/MND.

⁴ Federal Energy Regulatory Commission. *Interim Risk Reduction Measures – Dam Safety Directives*. February 20, 2020.

September 4, 2021

City of Morgan Hill
Development Services Dept.
17575 Peak Ave.
Morgan Hill, CA 95037

Letter 4

RE: Monterey-Miner (JEMCOR) Housing Development
Attn: Gina Paolini

Ms. Paolini,

4-1

We support the city to develop multi-family housing projects to help low income families. But The City of Morgan Hill should not use our neighborhood as a parking lot to accommodate its residential project. Put yourself in our positions and understand for us. We demand a solid 6'-8' wall, between Taylor Ave., Rose Lane and Ginger Way and the Madrone-Miner housing development, so that overflow parking will not overwhelm our streets.

Billy & Thao Phạm
19041 Clayton Ave
Morgan Hill, Ca 95037

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

LETTER 4: BILLY AND THAO PHAM, SEPTEMBER 4, 2021

Response to Comment 4-1

Comments regarding the development of six-to-eight-foot masonry wall between Taylor Avenue, Rose Lane and Ginger Way, and the proposed project site do not address the adequacy of the IS/MND, and, rather pertain to the design of the proposed project. Design-related comments will be considered by the City's decision-makers in their deliberations regarding the proposed project. Your concerns about the project are noted for the record. Please also see Response to Comment 1-3c.

From: [Arnie Ramos](#)
To: [Gina Paolini](#)
Subject: [EXTERNAL] Monterey-Miner (JEMCOR) concerns
Date: Saturday, September 4, 2021 10:18:25 AM

Letter 5

[You don't often get email from arnie_mh@yahoo.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Good day Mrs. Paolini,

We're proud owners for over 20 years of a home on Taylor Ave.

One home will separate us from the city's supported affordable housing project at the corner of Monterey and Madrone where more than 500 people will come to overpopulate such a small area and where parking will definitely be a problem and would spill into Taylor Ave, Ginger, Peebles and local, immediate streets.

We're concerned about foot traffic in our street, where young children, still ride scooters, bicycles, roller skate, run and play on the street without feeling threatened by strangers as our neighbors here have worked in creating a good rapport with each other's; we know each other's children, grandchildren and respect and give enough space to all.

Our neighborhood still have the all-american small town neighborhood feeling and will ask you to help us to keep it that way by speaking in our behalf.

The city claims their "hands are tied" when it comes to the design on the project, that we understand. But one thing our city representatives can do for us is to work for ALL residents and listen to our concerns and help mitigate these safety concerns we have.

Our neighborhood still have the all-american small town neighborhood feeling and will ask you to help us to keep it that way by speaking in our behalf to avoid foot traffic and parking on Taylor Ave. We do understand and support emergency vehicles access/evacuation.

No resident foot access from our street will help us ease the safety concerns we have and will confirm you're are working for all the people you represent.

With great concerns,
 Arnie & Maria Ramos

WARNING: This message is from an external user. Confidential information such as social security numbers, credit card numbers, bank routing numbers, gift card numbers, wire transfer information and other personally identifiable information should not be transmitted to this user. For question, please contact the Morgan Hill IT Department by opening a new helpdesk request online or call 408-909-0055.

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

5-1

LETTER 5: ARNIE AND MARIA RAMOS, SEPTEMBER 4, 2021

Response to Comment 5-1

The comment refers to maintaining the small-town neighborhood feeling of the community. In *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, the Appellate Court evaluated whether community character is a consideration in CEQA and whether changes to community character or social impacts constitute an environmental impact under CEQA. The Court determined CEQA does not require an analysis of subjective psychological feelings or social impacts. Rather, CEQA's overriding and primary goal is to protect the physical environment. CEQA defines a "significant effect on the environment" as "substantial, or potentially substantial, adverse changes in physical conditions" (PRC section 21100, subd. (d)). The comment will be forwarded to the City's decision-makers for consideration.

The comment also refers to safety concerns but it is unclear what is specifically being referred to. The concern appears in part to be tied to project residents having foot access to Taylor Avenue. If the comment may be referring to concerns that future project residents may conduct illegal acts, it is important to emphasize that speculation is discouraged during CEQA review (see CEQA Guidelines section 15145).

Letter 6

From: [Cindy Gion](#)
To: [Gina Paolini](#)
Cc: [Cindy Gion](#)
Subject: [EXTERNAL] Response to Notice - Monterey-Miner (JEMCOR) Apartment Project
Date: Tuesday, August 31, 2021 6:49:30 PM

You don't often get email from cindygion@yahoo.com. [Learn why this is important](#)

August 31, 2021

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

Topic: Monterey-Miner (JEMCOR) Apartments Project
Attention: Gina Paolini

I'm writing this letter in response to the Notice of Intent to Adopt dated July 26, 2021 regarding the Monterey-Miner (JEMCOR) Apartments Project ("Project") and the Initial Study/Mitigated Negati Declaration ("IS/MND").

XVII: Transportation. c,d.

This section discusses the trip generation and assignment **ONLY** specific to traffic on Monterey Road and Madrone Parkway and mitigation measures to address the "potentially significant" impacts of traffic on these streets. However, there is no mention of **TAYLOR Ave impact** which is a non-through, residential street that has been in existence for over 25 years. Our concern is that we will get overflow traffic and overflow parking related to pedestrians that want access near the EVA gate since this would be a shortcut to access the homes within the project located on the north side.

Mitigation Request

We understand that the developer is willing to build a 6 foot masonry wall to border the north side of the project boundary, and we strongly request that the City of Morgan Hill address our residential traffic and parking concern and support the building of this boundary wall in order to mitigate overflow traffic and parking on our residential street. Such border needs to continue along Taylor Ave to the terminus on Madrone Parkway.

Requested Mitigation

This requested mitigation would not add significant cost to the overall project cost, but it would provide significant benefit to the Taylor Ave neighborhood to prevent overflow traffic and parking for those seeking "shortcut" access to the project homes.

Sincerely,

Cindy Gion
 19062 Taylor Ave
 Morgan Hill, CA 95037
 408-460-9921
 cindygion@yahoo.com

6-1

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

LETTER 6: CINDY GION, AUGUST 31, 2021

Response to Comment 6-1

Please see Response to Comment 1-3c.

September 2, 2021

Letter 7

City of Morgan Hill
Development Services Dept
17575 Peak Ave
Morgan Hill, CA 95037

Attention:
Gina Paolini
gina.paolini@morganhill.ca.gov

Regarding: Monterey-Miner (JEMCOR) Apartments Project

Dear Ms. Paolini,

This letter is a written response to the Notice of Intent to Adopt dated July 26, 2021 regarding the Monterey-Miner Apartments Project ("Project") and the Initial Study/Mitigated Negative Declaration ("IS/MND").

We wish to support the concerns of our neighbor, Mark and Cindy Gion, 19062 Taylor Avenue.

- 7-1 Rapid population growth and the high cost of housing has resulted in adverse impacts to our local communities.
- 7-2 1. Multiple families (with many vehicles) are sharing the same house. If the garage is not available, vehicles are parked on the street. **Santa Clara County has >1.7M vehicles.**
Source: <https://www.dmv.ca.gov/portal/uploads/2020/06/2019-Estimated-Vehicles-Registered-by-County-1.pdf>
- 7-3 2. Corresponding community services (schools, clinics, police, fire, recreation, water and electricity, road capacity, etc) are not keeping up with the growth.
- 7-4 3. There has been a significant rise in street crime.

These challenges need to be managed. Otherwise, people will sell their homes and move away.

- 7-5 Taylor Avenue is a quiet "no-outlet" street for families with children and should not be turned into a parking lot. Please consider the reasonable mitigations proposed by Mark Gion.
- Keep the property 20 feet set-back as is.
 - Keep the Taylor fence and barriers at six feet tall with access only for emergency.
 - Prevent direct pedestrian traffic between the complex and Taylor Avenue.
 - And consider street parking restrictions as many other communities have done.

Sincerely,

Eugene Heil, P.E. and Dawn Nguyen
19072 Taylor Avenue
Morgan Hill, CA 95037
408-258-3282
eugeneheil@abstractionengineering.com

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

LETTER 7: EUGENE HEIL AND DAWN NGUYEN, SEPTEMBER 2, 2021

Response to Comment 7-1

As noted in Section XIV, Population and Housing, on Page 93 of the IS/MND, the Housing Accountability Act prohibits a local agency from placing a cap on the number of housing units that can be approved or constructed either annually or for some other time period or limits the population of the jurisdiction. Using a persons per household rate of 3.09 as estimated by the Association of Bay Area Governments (ABAG) 2035 Demographic Projections for the City of Morgan Hill, the proposed project could be expected to house approximately 770 residents, which is 337 more residents than what was anticipated for the site by the General Plan. However, population growth itself does not constitute an environmental impact; rather, increased demands on the physical environment resulting from increases in population are considered environmental impacts. For example, increased demands on City services could require system upgrades, the construction of which could have environmental impacts. Physical environmental effects associated with development of the proposed project were evaluated throughout the IS/MND. As discussed in Section XV, Public Services, of the IS/MND, the project site is located in an urban area and is surrounded by existing development. Therefore, construction of new or expanded public services facilities would not be necessary to serve the proposed project. As discussed in Section XIX, Utilities and Service Systems, the proposed project would not include construction of new off-site utility infrastructure or expansion of existing utilities. While the proposed project would result in population growth, such growth could be accommodated by existing public services and infrastructure and would not result in significant adverse environmental effects.

Response to Comment 7-2

Please see Response to Comment 1-3c.

Response to Comment 7-3

In regards to Public services, increased demand alone is not the relevant inquiry under CEQA, nor is the need for additional staff and/or equipment. The relevant inquiry, as confirmed by the courts (see *City of Hayward v. Board of Trustees of the California State University*) is whether a significant effect on the environment would occur in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services as a result of the increased demand. As discussed in Section XV, Public Services, starting on Page 95 of the IS/MND, the project site is located in an urban area and is surrounded by existing development. Therefore, construction of new or expanded public services facilities would not be necessary to serve the proposed project. Additionally, as discussed in Section XIX, Utilities and Service Systems, starting on Page 104 of the IS/MND, the proposed project would not include construction of new off-site utility infrastructure or expansion of existing utilities.

Response to Comment 7-4

Street crime rates following implementation of the proposed project would be highly speculative; however, as discussed in Response to Comment 7-3, increased demand on public services alone is

not the relevant inquiry under CEQA, nor is the need for additional staff and/or equipment. Additionally, as noted on Page 95 of the IS/MND, the project site is located within the Morgan Hill Police Department's normal patrol routes, and, thus, police response times would be comparable to nearby existing developments. Therefore, construction of new or expanded police protection facilities would not be necessary to serve the proposed project.

Response to Comment 7-5

Please see Response to Comment 1-3c. The comment has been forwarded to the City's decision-makers for their consideration

September 4, 2021

Letter 8

City of Morgan Hill
Development Services Dept.
17575 Peak Ave.
Morgan Hill, CA 95037

RE: Monterey-Miner (JEMCOR) Housing Development
Attn: Gina Paolini

Ms. Paolini,

I am writing in response to the Notice of Intent to Adopt dated July 26, 2021 regarding the Monterey-Miner (JEMCOR) Housing Development and the Initial Study/Mitigated Negative Declaration. We have spoken by Zoom, so what I write will not be a surprise to you.

The residents in our neighborhood live on six streets, consisting of approximately 100 homes. We live on Peebles Ave., Rose Lane, Taylor Ave., Ginger Way, Angelica Way, and Clayton Ave. collectively.

When we purchased our home on Taylor Ave., we picked it because it was a quiet neighborhood, at the end of a cul-de-sac, with a beautiful view of the western hills. We were told that the dairy farm directly to the south of us, and the salvage yard property directly to the west of us, would someday be single family homes.

Then the zoning was changed and the dairy farm became Madrone Parkway with many light industrial buildings. That is not what we were originally told. We never would have chosen

Letter 8 cont'd

light industrial businesses over single family homes but we weren't given a choice. So, we are living with it.

When we were told that Sobrato High School would be built close to our neighborhood, we were not thrilled. We understood the need for another high school in Morgan Hill but we also knew that traffic in our neighborhood would be impacted negatively. We were right. Today, hundreds of parents and students take the back route on Peebles Ave., when going to and from Sobrato High School, to avoid the traffic on Monterey Hwy. Our neighborhood is no longer quiet. It is very difficult to pull out onto Peebles Ave. in the morning and the afternoon on weekdays but we are living with it.

Now we are told that a 249-unit housing development will be built in our neighborhood where the salvage yard use to be. The City of Morgan Hill has told us that their hands are tied, that there is nothing they can do about this housing development being built in our neighborhood. **There is something the City can do to help our neighborhood.**

8-1

The City can make sure that there is adequate parking for the 500+ cars that will belong to the residents of the Madrone-Miner housing development. We understand there will be 428 parking spots, 260 of which will be tandem spots in garages. How will that work? Where will the extra cars park?

In the notice, paragraph 5 talks about "*minimizing negative impacts on neighboring properties*". Currently, the plan is to have an EMS gate on Taylor Ave., and to allow pedestrian traffic through the development onto Taylor Ave. ***Any foot traffic that is allowed through the housing development onto Taylor Ave., Rose Lane, and Ginger Way, will negatively impact our neighborhood!*** When the residents of the housing development fill those 428 parking spaces, the extras will park on our streets and overwhelm our streets. **Please don't allow this.**

Letter 8 cont'd

8-2

One of our Clayton Ave. neighbors asked about underground parking. We were told that underground parking is expensive to build. As we know this is true, we don't understand how an expensive 249 housing development can be built without adequate parking. Why do we, the current Morgan Hill residents that have lived in this neighborhood many years before this housing development was even thought of, have to suffer?

8-3

There are several detention ponds on Madrone Parkway. Would it be possible to build an above ground parking structure where the closest detention pond to the housing development currently sits? Are there any alternative options?

8-4

Please help our neighborhood by building a solid 6'-8' wall, between Taylor Ave., Rose Lane and Ginger Way and the Madrone-Miner housing development, so that overflow parking will not overwhelm our streets.

Many of us have invested most of what we have into our homes. We love Morgan Hill, we are raising our families here, and we want to stay.

Please, please, please will you help us?

Sincerely,

Tracy Harthun
19032 Taylor Ave.
Morgan Hill, CA 95037
408-710-1886
taharthun@hotmail.com

LETTER 8: TRACY HARTHUN, SEPTEMBER 4, 2021

Response to Comment 8-1

Please see Response to Comment 1-3c.

Response to Comment 8-2

Comments regarding the development of underground parking do not address the adequacy of the IS/MND, and, rather pertain to the design of the proposed project. Design-related comments will be considered by the City's decision makers in their deliberations regarding the proposed project. Your concerns about the project are noted for the record. Please also see Response to Comment 1-3c.

Response to Comment 8-3

Please see Response to Comment 8-2.

Response to Comment 8-4

Comments regarding the development of six-to-eight-foot masonry wall between Taylor Avenue, Rose Lane and Ginger Way, and the proposed project site do not address the adequacy of the IS/MND, and, rather pertain to the design of the proposed project. Design-related comments will be considered by the City's decision-makers in their deliberations regarding the proposed project. Your concerns about the project are noted for the record. Please also see Response to Comment 1-3c.

Letter 9

September 5, 2021

City of Morgan Hill
Development Services Dept.
17575 Peak Ave.
Morgan Hill, CA 95037

RE: Monterey-Miner (JEMCOR) Housing Development
Attn: Gina Paolini

Ms. Paolini,

I am writing in response to the Notice of Intent to Adopt dated July 26, 2021 regarding the Monterey-Miner (JEMCOR) Housing Development and the Initial Study/Mitigated Negative Declaration.

The residents in our neighborhood live on six streets, consisting of approximately 100 homes. We live on Peebles Ave., Rose Lane, Taylor Ave., Ginger Way, Angelica Way, and Clayton Ave. collectively.

When we purchased our home on Angelica Way, we chose it because it was a quiet neighborhood, at the end of a cul-de-sac, with a beautiful view of the Eastern foothills. We were told that the dairy farm directly to the south of us, and the salvage yard property directly to the west of us, would someday be single family homes.

Then the zoning was changed and the dairy farm became Madrone Parkway with light industrial buildings. That is not what the original city plan was supposed to be. We never would have chosen light industrial businesses over single family homes but we weren't given a choice. So, we are living with it.

When we were told that Sobrato High School would be built close to our neighborhood, we were not thrilled. We understood the need for another high school in Morgan Hill but we also knew that

Letter 9 cont'd

traffic in our neighborhood would be impacted negatively. We were right. Today, hundreds of parents and students take the back route on Peebles Ave., when going to and from Sobrato High School, to avoid the traffic on Monterey Hwy. Our neighborhood is no longer quiet. It is very difficult to pull out onto Peebles Ave. in the morning and the afternoon on weekdays but we are living with it.

Now we are told that a 249-unit housing development will be built in our neighborhood where the salvage yard use to be. The City of Morgan Hill has told us that their hands are tied, that there is nothing they can do about this housing development being built in our neighborhood. **There is something the City can do to help our neighborhood.**

9-1

The City can make sure that there is adequate parking for the 500+ cars that will belong to the residents of the Madrone-Miner housing development. We understand there will be 428 parking spots, 260 of which will be tandem spots in garages. How will that work? Where will the extra cars park?

In the notice, paragraph 5 talks about "*minimizing negative impacts on neighboring properties*". Currently, the plan is to have an Emergency gate on Taylor Ave., and to allow pedestrian traffic through the development onto Taylor Ave. ***Any foot traffic that is allowed through the housing development onto Taylor Ave., Rose Lane, and Ginger Way, will negatively impact our neighborhood!*** When the residents of the housing development fill those 428 parking spaces, the extras will park on our streets and overwhelm our streets. **Please don't allow this.**

9-2

One of our Clayton Ave. neighbors asked about underground parking. We were told that underground parking is expensive to build. As we know this is true, we don't understand how an expensive 249 housing development can be built without adequate parking. Why do we, the current Morgan Hill residents that have lived in this neighborhood many years before this housing development was even thought of, have to suffer?

**Letter 9
cont'd**

9-2
Cont'd Are there any alternative options?

9-3 Please help our neighborhood by building a solid 6'-8" wall, between Taylor Ave., Rose Lane and Ginger Way and the Madrone-Miner housing development, so that overflow parking will not overwhelm our streets.

Many of us have invested most of what we have into our homes. We love Morgan Hill, we are raising our families here, and we want to stay.

Please, will you help us?

Sincerely,

Juan & Carolyn Crespo
65 Angelica Way
Morgan Hill, CA 95037
Cell#: 408 679 9470
Email:jcthe1@yahoo.com

LETTER 9: JUAN AND CAROLYN CRESPO, SEPTEMBER 5, 2021

Response to Comment 9-1

Please see Response to Comment 1-3c.

Response to Comment 9-2

Please see Response to Comment 8-2.

Response to Comment 9-3

Comments regarding the development of six-to-eight-foot masonry wall between Taylor Avenue, Rose Lane and Ginger Way, and the proposed project site do not address the adequacy of the IS/MND, and, rather pertain to the design of the proposed project. Design-related comments will be considered by the City's decision-makers in their deliberations regarding the proposed project. Your concerns about the project are noted for the record. Please also see Response to Comment 1-3c.

9/6/2021

Letter 10

City of Morgan Hill
Development Services Dept.
17575 Peak Ave.
Morgan Hill, CA 95037

RE: Monterey-Miner (JEMCOR) Housing Development
Attn: Gina Paolini and Jennifer Carman

Ms. Paolini and Ms. Carman,

This letter is in response to the Notice of Intent to Adopt dated July 26, 2021 regarding the Monterey-Miner (JEMCOR) Housing Development and the Initial Study/Mitigated Negative Declaration.

I have noticed new lumber forms already appearing on the property of the old junkyard and it appears that the project is already in motion. We have been told that at this point the city's hands are tied and that the project will be proceeding ahead at some point.

What we are asking for at this point is consideration about the vehicle/foot traffic impacts that this project will cause for the residents in our neighborhood that live on Peebles Ave., Rose Lane, Taylor Ave., Ginger Way, Angelica Way, and Clayton Ave.

10-1

I live at 19032 Taylor Avenue, directly in front of the proposed EVA access. The most current plans propose a free standing gate for the emergency vehicles, but does not limit pedestrian access which will allow vehicle parking on Taylor Avenue and other adjoining streets in our neighborhood! This will guarantee that I will be looking at a street full of parked vehicles from the new housing project.

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

Letter 10
cont'd

10-2

Please help us to **not allow any pedestrian access** that will negatively impact our neighborhood. I would like to see a wall or iron fence along with a solid EVA gate that would completely limit access to our neighborhood - allowing access to extra vehicles that would flood our streets causing parking issues for the neighbors and additional traffic headaches. We are already being overrun with traffic from Sobrato High School in the mornings and afternoons. It is actually dangerous exiting Taylor Avenue during these high traffic times related to the high school traffic. My daughter was in a minor accident trying to turn onto Peebles during the morning high school traffic with parents frantically trying to get their children to school on time. If you allow additional access to other vehicles from the new housing project, this will definitely impact our neighborhood negatively!

The notice talks about minimizing negative impacts on neighboring properties. Does the city have the power to protect its citizens and property owners from the impact that this project will cause?

Please help our neighborhood by building a solid 6'-8' wall or iron fencing between Taylor Ave., Rose Lane and Ginger Way and the Madrone-Miner housing development, so that overflow parking will not overwhelm our streets.

Thank you for your efforts to help protect our neighborhood.

Sincerely,

Peter Harthun
19032 Taylor Ave.
Morgan Hill, CA 95037
eden.maker@hotmail.com

Attachment: Responses to Comments-CEQA related (3188 : Monterey-Miner (Jemcor))

LETTER 10: PETER HARTHUN, SEPTEMBER 6, 2021

Response to Comment 10-1

Please see Response to Comment 1-3c.

Response to Comment 10-2

Comments regarding the development of six-to-eight-foot masonry wall between Taylor Avenue, Rose Lane and Ginger Way, and the proposed project site do not address the adequacy of the IS/MND, and, rather pertain to the design of the proposed project. Design-related comments will be considered by the City's decision-makers in their deliberations regarding the proposed project. Your concerns about the project are noted for the record. Please also see Response to Comment 1-3c.

MONTEREY-MINER (JEMCOR) APARTMENTS PROJECT
RESPONSES TO NON-ENVIRONMENTAL COMMENTS

This Response to Comments document contains comments received during the public review period for the Monterey-Miner (JEMCOR) Apartments Project (proposed project) Initial Study/Mitigated Negative Declaration (IS/MND). The City of Morgan Hill, as lead agency, released the IS/MND for public review beginning on August 6, 2021 and ending on September 6, 2021 pursuant to CEQA Guidelines Section 15105.

Comments and Responses

The City of Morgan Hill received multiple comment letters from members of the public during the open comment period on the IS/MND for the proposed project. The following section includes responses to topics unrelated to the environment.

Response to Sullivan Letter

7. We believe there is a flaw in the density bonus calculation. The calculations should not include acreage of the parcel which has already been dedicated (and improved by others) to previous public right of ways for Madrone Road.

Planning Response: The site has a net acreage of 7.45-acres. State law requires that when calculating each component of any density calculation, including base density and bonus density, resulting in fractional units, the fractional units shall be separately rounded up to the next whole number (Government Code Section 65915 (q)). The site has a split General Plan land use designation (Mixed Use Flex (5.28-acres) and Residential Attached Low (2.26-acres)) which allows for a maximum of 140 units. The project is proposing 249 units, as permitted by Government Code 65915- the State Affordable Housing Density Bonus program. Land that has been developed and improved has not been included in calculation.

9. Under project components it states that the two-story buildings have been located to "soften the transition between the proposed project's three-story buildings and the existing single-family homes east/northeast of the project site on Taylor Avenue." This identical treatment should be required for all current and future SFD properties along the northern border of the site (primarily homes on Ginger Way). There is no reason these homes should be less in need of a soft transition than the ones on Taylor Avenue. 100% of the properties to the north (other than those on Monterey are either current or future SFD homes and should have the same transition of heights. This would apply to buildings 10 and 11 for existing SFD and 6, 7 and 9 for future SFD.

Planning Response: The design of the project has been balanced with providing the maximum density allowed by the State Affordable Housing Density Bonus Program. The project buildings have been designed to minimize bulk, limit building lengths and providing

features to breakup bulk in accordance with the City's Residential Development Design and Development Standards. The City Design Standards do not require the two-story transition. The developer voluntarily placed two-story structures along Taylor Avenue, while continuing to achieve the desired density for the site.

10. Parking and access. Not only are over half of all required parking stalls proposed to be in tandem configuration which yields lower usage. But a waiver granted reduces the tandem length from 40 feet to 36 feet. The City is under no obligation to approve tandem parking even with the new state laws applied to 100 percent affordable housing.

Planning Response: Tandem parking spaces are permitted for all residential land uses per the Morgan Hill Municipal Code Section 18.72.060.D. Government Code Section 65915(d)(2)(D) requires the City to grant four incentives or concessions for projects that are 100 percent affordable for lower income households. The City Council adopted Resolution No. 21-018 on April 21, 2021, granting concessions for the project. One concession granted for the project included a reduction in parking space dimensions, reducing the size of the garage tandem parking spaces to 10 feet by 18 feet.

62. Undergrounding of utilities - Site plans indicate the undergrounding of on-site utilities; project should be responsible to underground utilities along Monterey Road in front of the site as well as in a manner that completes one block of that street frontage to avoid an uneven undergrounding treatment - this requirement has been placed on other projects in Morgan Hill and would not be an unusual burden on this project.

Engineering Response: The Preliminary Utility Plan (Sheet DR-07) in the project's Design Review plan set shows the undergrounding of the utilities along the project's Monterey Road frontage. Undergrounding past the project's Monterey Road frontage is not the developer's responsibility. Additional undergrounding may be possible if the developer is willing to partner with the City and if there is available amount in the City's undergrounding fund to reimburse the developer.

65. Tot lots and any other "park" facilities should not count toward the City of Morgan Hill Park fee or park delivery requirements as they are private in nature.

Engineering Response: The project will be charged the Park Impact Fees without credits for the project's private tot lot/park facilities.

66. Easements and exceptions referenced in site plan are inadequately explained to provide for any public review of the potential impacts of these recorded documents.

Engineering Response: Existing easements shown on the Site Plan are fully described in the property's [Title Report](#).

67. Inadequate interface analysis was given to adjacent SFD properties. While there is a step back of heights proposed along Taylor Avenue there is none proposed for the SFD properties on Ginger Way in Buildings 7, 9, 10 and 11 in site plan.

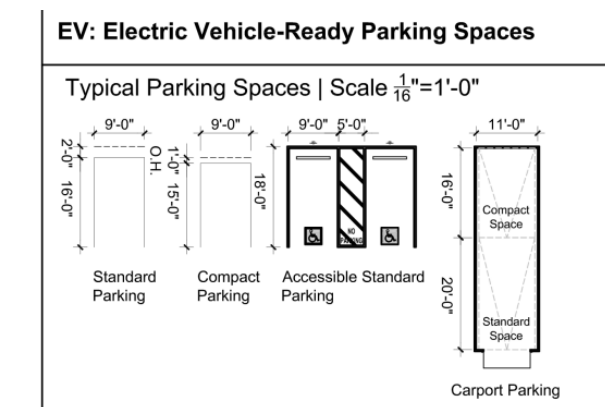
Planning Response: See response to No. 9.

68. Ginger Way properties are also impacted by inadequate setbacks from surface parking with placing parking stalls within the setback adjacent to the property lines with homes on Ginger Way.

Planning Response: The parking for the multi-family project has been designed consistent with the City's Residential Development and Design Development Standards which states that the parking for the project is dispersed throughout the project in smaller segment parking areas, rather than the creation of a large parking lot. Parking is located interior to or at the back of the site where it is not visible to the street. The required setback has been provided.

69. Parking stall lengths, while there was a waiver for interior tandem stall length -did they get waiver on surface parking length?- only proposing 15' deep which seems below standards.

Planning Response: The parking stalls meet the City of Morgan Hill code requirements with the inclusion of a two foot overhang into the landscape area as allowed by Section [18.72.070 \(Parking and Landscaping\)](#) of the Morgan Hill Municipal Code.



70. Handicap (HC) parking spaces are inadequately disbursed throughout the project and should be relocated and violate ADA because all HC spaces are in open spaces, and none are provided in covered carports.

Planning Response: The project will comply with the 2019 California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15 and will be verified at Building permit application plan review.

71. Page 3 of the SB330 site plan on City's website makes: reference to "City Comment #8 in two locations with no explanation of what that comment is or was hence providing no ability for public to adequately comment on the documents provided. This along with other flaws in the application should lead to a recirculation of documents and a new public comment period.

Planning Response: The note No. 8 on the plan set was a response to an incomplete item. The applicant was labeling the 24' driveway dimension (as required by the City) at both the Monterey and Madrone entrances.

72. Proposed EVA to Taylor Avenue should be moved to the south to reduce impacts to adjacent SFD home to the fullest extent possible.

Planning Response: The Emergency Vehicle Access (EVA) is to be used to provide access and egress in case of fire or for other emergency services. This is not for general purpose access or circulation.

74. Page 4 of site plans claim that the project includes design elements from three different categories of "Complete Street Design Elements" with no explanation of what they are or what categories are covered.

Engineering Response: The project will incorporate design elements from the following three different categories of the "Complete Street Design Elements":

- a. Pedestrian infrastructure: The project will have pedestrian sidewalks, crosswalks, and accessible ramps within the project's private streets. The project will also be improving its Taylor Avenue and Monterey Road frontages with sidewalk.
- b. Traffic Calming Measures: Measures will include narrow travel lanes, reduced curb return radii and decorative paving at all vehicle access points.
- c. Bicycle accommodations: The project will provide bicycle accommodations through the proposed right-of-way dedication along Monterey Road, which will allow a Class II buffered bike lane.

All Complete Street Design Elements are provided in the City's Residential Development Design and Development Standards, No. 53 "Complete Streets". The project has demonstrated compliance on Sheet DR-04 "Compliance Exhibit" and the Development Design and Development Standards Compliance Checklist.

75. Note A5 on page 4 suggests compliance with vision triangles. The location of the triangle shows the triangle including a parking stall or more which is not allowed in the vision triangle. It is also unclear if the site plan complies with a vision triangle at the corner of Madrone and Monterey as none is drawn on the site plan.

Engineering Response: The Compliance Exhibit Sheet (Sheet DR-04) of the project's Design Review plan set do not show any parking stalls within the vision triangles at the project's two proposed driveways (one at Monterey Road and the other at Madrone Parkway). The clear vision triangle was checked on the intersecting streets of Monterey Road and Madrone Parkway and the project complies with the clear vision triangle at this intersection.

76. Site plan inaccurately states that the project complies the MH parking requirements. While the project may have received a waiver under new state laws it is misleading to the public to state that it complies, and this page should be revised appropriately and recirculated prior to any public hearings. This identical comment applies to all areas where the project received waivers or exceptions to MH codes under state laws but now suggests on their plans that they are in compliance with MH codes.

Planning Response: The City has provided a detailed project page and environmental page on the City website. In particular, both pages state "Density Bonus law provides for increased density of projects depending on the number and affordability level of housing units. As with all projects that process under Density Bonus laws, concessions and waivers to code requirements are included as part of a project entitlement. These projects are 100% affordable and are entitled to the maximum number of concessions available. Under state law, the City has extremely limited authority to require changes to development standards or design elements - this includes height and parking." A detailed letter regarding the project has been provided on the City website with concession and waiver details. Government Code section 65589.5(j)(3) provides that the receipt of a density bonus does not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

77. It is unclear if the project complies with the minimum EV parking spaces required under MH and state codes. Also, the EV stations proposed are too concentrated in the SW corner of the project and should be disbursed to have at least one EV stall in each of the drive aisles including aisles H, J and K. Labeling stalls as "future EV parking: does not comply with local and state mandates.

Planning Response: In accordance with Section 18.72.040 (General requirements) of the Morgan Hill Municipal Code, a project with fifty to one hundred parking spaces is required to provide two charging stations, plus one for each additional fifty parking spaces. The project proposes 428 parking spaces; therefore, 9 charging stations are required. Title 24 of the California Building Code requires EV ready spaces. The 9 charging spaces required by the City's Municipal Code are allowed to be installed in the Title 24 EV ready spaces. No disbursement is required by either Morgan Hill Municipal Code or state law. The project complies.

78. Note A27 indicates that the project includes two different rooflines, and it is unclear if each and every building conforms with that requirement.

Planning Response: The City's Development Design and Development Standards states that roofs have been designed to incorporate a minimum of two varying roof heights or types (hip, gable, shed, flat, etc.). Each and every building of the project complies with the standard.

79. Multiple carport structures violate setback requirements for structures along property lines (along Monterey Road and Madrone Road).

Planning Response: The structures along Monterey Road and Madrone Parkway comply with the Mixed Use Flex zone district setback requirements.

80. Project has inappropriately placed sidewalks, with unit accesses within existing landscape easements along Madrone. This is using public landscape easement for private purposes and the private sidewalks should be move to outside of the existing landscape easement. Building frontages should be pushed back to accommodate the new private sidewalks outside of the existing landscape easements.

Planning Response: Said easement for landscape purposes is required to be kept free and clear of buildings, except lawful unsupported roof overhangs, and obstructions that impair the use of or are inconsistent with the purposes of the easement. Sidewalks are allowed within the easement.

81. Additionally, there should not be a change of the streetscape along Madrone which has the sidewalk in a consistent pattern for the entirety of the street. Changing the location of the sidewalk for this project is inconsistent with the existing Madrone area master plan which was funded by other property owners.

Engineering Response: The project is maintaining the detached public sidewalk along the Madrone Parkway frontage.

82. Please confirm that this project is paying reimbursements to the other property owners who paid for streetscape improvements in place adjacent to the property

Engineering Response: The streetscape improvements along the project's Madrone Parkway frontage were constructed by the Madrone Business Park's Assessment District. No reimbursements from the project are due to the Madrone Business Park Assessment District nor to the City.

83. Parking specifications on page 5 - once again this sheet misleads the public by stating that the project is in compliance with MH codes in parking spaces and parking dimensions. While it may have legally been given waivers it is misleading to the public to say it is in compliance and we would argue that some members of the

public may have chosen to not comment because of these false and misleading comments.

Planning Response: See response to No. 10 and 76.

84. Everywhere in the project the drive aisles do not comply with CALFIRE requirements of 26' wide curb to curb drive aisles adjacent to buildings whose highest point exceeds 30'. All drive aisles need to be widened to accommodate a 26' drive aisle.

Fire Response: CAL FIRE does not write requirements for the City of Morgan Hill. Project is expected to comply with Morgan Hill Fire Prevention Bureau Standard 11-B for fire apparatus access. Project as presented satisfies California Fire Code Section 503.2.1.

85. Buildings 6 and 7 do not provide for fire truck ladder access on two sides of the buildings which exceed 30' at their highest point.

Fire Response: Project is expected to comply with Morgan Hill Fire Prevention Bureau Standard 11-B for fire apparatus access. As presented, Buildings 6 and 7 satisfy California Fire Code Section 503.2.1.

86. Page 6 of site plans do not include sections for the property line along Monterey or Taylor. This is a flaw and needs to be corrected so the public fully understands what is being proposed.

Engineering Response: The cross-sections along Monterey Road (cross section #1) and Taylor Avenue (cross section #6) are shown on the bottom of the Preliminary Site Plan (Sheet DR-03).

92. DR 07 there does not appear to be any street lighting being placed on Taylor and this project should be required to add street lighting along its frontage.

Engineering Response: Although there are no streetlights shown on the plans, the Engineering conditions of approval include a standard condition for the installation of street improvements which includes street lighting. The required street lighting along all project frontages will be determined at improvement plan stage.

93. DR09 Why does the fire truck exhibit not show turning radii on multiple drive aisles - does this mean these drive aisles cannot accommodate appropriate fire apparatus. As mentioned above there are instances where drive aisles do not accommodate CALFIRE's requires 26' aisle width to access two sides of a building whose highest point exceeds 30'.

Fire Response: Turning radii exhibits on DR09 indicate the turning radius of Morgan Hill Fire Department's aerial apparatus and indicate aerial apparatus access to at least one side of all buildings. CAL FIRE does not write requirements for the City of Morgan Hill.

Project is expected to comply with Morgan Hill Fire Prevention Bureau Standard 11-B for fire apparatus access. Project as presented satisfies California Fire Code Section 503.2.4. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

94. DRI0 why are there no streetlights being shown on Monterey, Madrone or Taylor?

Engineering Response: Although there are no streetlights shown on the plans, the Engineering conditions of approval include a standard condition for the installation of street improvements which includes street lighting. The required street lighting along all project frontages will be determined at improvement plan stage.

Monterey-Miner (JEMCOR) Apartments Project Initial Study/Mitigated Negative Declaration

Errata Sheet October 20, 2021

This errata sheet presents, in ~~strike-through~~ and double-underline format, the revisions to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Monterey-Miner (JEMCOR) Apartments Project (proposed project). The revisions to the IS/MND reflected in this errata sheet do not affect the adequacy of the previous environmental analysis contained in the IS/MND. Because the changes presented below would not result in any new significant impacts or a substantial increase in the severity of an environmental impact identified in the IS/MND, recirculation of the IS/MND is not required.

Based on the comments received during the public review period for the IS/MND, the Surrounding Land Uses and Setting section of the IS/MND on Page 2 is hereby revised as follows:

The project site is bounded by Monterey Road to the west and Madrone Parkway to the south. Surrounding uses include a vacant lot (designated for future residential development) to the north, beyond which are single-family residences, commercial and industrial uses to the west and south across Madrone Parkway, and single-family residences to the east and northeast. In addition, a storm drainage canal runs parallel to the project site's southern boundary and terminates in a water quality basin located south of the project site.

Based on the comments received during the public review period for the IS/MND, the Project Location and Setting section of the IS/MND on Page 9 is hereby revised as follows:

The project site is generally bounded by Monterey Road to the west and Madrone Parkway to the south. A storm drainage canal runs parallel to the southern boundary of the project site and terminates in a water quality basin located south of the project site. A vacant lot (designated for future residential uses) is located north of the site, beyond which are single-family residences. Single-family residences are also located east and northeast of the site. In addition, commercial and industrial uses, such as the Madrone Food Market, the Rancho Motel, and Paramit Corporation, are located to the west and south of the site.

Based on the City of Morgan Hill Planning Commission Resolution No. 21-10, Section V, Cultural Resources, on Pages 39 through 41 of the IS/MND, is hereby revised as follows:

As noted in the General Plan EIR, archaeological surveys conducted in Morgan Hill have identified numerous prehistoric sites with shell midden components, including human burials. Based on such findings, the potential exists for subsurface historical resources and previously unknown archaeological resources to be found on-site during grading and excavation associated with development of the proposed project. In the event that such resources are unearthed, the following City standard Conditions of Approval related to the protection of historical and archaeological resources would be implemented, consistent with Section 18.60.090 of the MHMC:

1. Prior to start of grading or earthmoving activity on the “first day of construction”, the archeologist and Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of “cultural sensitivity training” with the general contractor and subcontractors.
2. An archaeologist and Tamien Nation Tribal Monitor 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 shall halt immediately within ~~thirty~~ fifty 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 shall prepare a brief informal memo/letter in collaboration with a tribal representative 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 shall determine if the resource can be avoided and shall detail avoidance procedures in a formal memo/letter; and
 - d. If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative 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.
3. 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.
 - b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - c. Surgical masks should also be worn to prevent exposure to pathogens that may be associated with the remains.
4. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered,

ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.

5. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
6. The exclusion zone shall be secured (e.g., twenty-four-hour surveillance) as directed by the city or county if considered prudent to avoid further disturbances.
7. 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:
 - a. The City of Morgan Hill Development Services Director,
 - b. The contractor's point(s) of contact,
 - c. The coroner of the county of Santa Clara (if human remains found),
and
 - d. The Native American Heritage Commission (NAHC) in Sacramento,
and
 - e. The Tamien Nation.
8. 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 twenty-four hours to notify the NAHC.
9. 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.).
10. Within twenty-hour hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose,
11. Within twenty-four 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.

12. 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.

Based on the comments received during the public review period for the IS/MND, question ‘d’ of Section X, Hydrology and Water Quality, on Pages 74 and 75 of the IS/MND is hereby revised as follows:

~~Until recently, i~~ In order to protect the public from potential effects until the ADSRP is complete, ~~a storage restriction of approximately 45 feet below the dam crest has been put in place, with a reduced storage capacity of 61,810 acre-feet. the Federal Energy Regulatory Commission issued a letter on February 20, 2020 directing the SCVWD to immediately initiate a full drawdown of the Anderson Reservoir by October 1, 2020.¹ Thereafter, FERC instructed the SCVWD to engage in all appropriate measures to maintain and quickly lower the reservoir to deadpool (the point at which the water level is so low that it cannot drain by gravity through the dam’s outlet works) in the event of significant inflow once the elevation is reached. The SCVWD and regulatory agencies (California Division of Safety of Dams and the Federal Energy Regulatory Commission) have approved the restriction and believe that the restriction would be sufficient to prevent the uncontrolled release of water in case of dam failure after a major earthquake. As of December 2020, Anderson Reservoir, the largest reservoir in Santa Clara County, has been completely drained under the direction of federal dam regulators.~~

Based on the comments received during the public review period for the IS/MND, Mitigation Measure XIII-2 of the IS/MND on Page 87 is hereby revised as follows:

XIII-2 To the maximum extent practical, the following measures shall 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;*

¹ Federal Energy Regulatory Commission. Interim Risk Reduction Measures – Dam Safety Directives. February 20, 2020.

- *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~~ noise-sensitive receptors 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.

The aforementioned revisions are for clarification purposes only, and do not affect the conclusions of the IS/MND.

Figure 9, Full Site Conceptual Architectural Rendering, of the IS/MND, has been revised to include a label for the homes located along Ginger Way as single-family residential.



PLANNING DIVISION

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
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MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: October 11, 2021

Application #s: SR2020-0027/EA2020-0020

APN: 726-36-059

Project Title: The Monterey-Miner (JEMCOR) Apartments Project

Project Location: North of Monterey Road and Madrone Parkway Intersection
 Morgan Hill, CA 95037

Project Proponent: Jemcor Development Partners
 1700 South El Camino Real, Ste 400
 San Mateo, CA 94402

Project Description: The Monterey-Miner (JEMCOR) Project would include the demolition of all on-site structures to construct two, two-story buildings and 12, three-story buildings containing 249 multi-family units, all of which would be affordable to low-income households. Project amenities would be located in a separate building on-site and would include a club terrace containing a fitness room, computer room, kitchen, clubroom, and leasing office. The proposed project would require City approval of Design Review. Because 100 percent of the proposed units would be affordable to lower income households, the proposed project would qualify for a density bonus and is expected to follow the entitlement guidelines of the Senate Bill 330 program and Government Code Section 65915 regarding density bonus.

The proposed project would require the following City approval:

- Design Review 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 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 If construction is proposed during the breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist and submitted to the City of Morgan Hill Development Services Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, no further mitigation is required and construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).

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

IV-2. The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

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

- Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.*
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over one inch in diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.*
- A temporary fence shall be constructed as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. 'No parking or storage' signs shall be posted outside/on the fencing. Postings shall not be attached to the main stem of the tree.*

- *Vehicles, equipment, pedestrian traffic, building materials, debris storage, and/or disposal of toxic or other materials shall not be permitted inside of the fenced off area.*
- *The project applicant shall avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction.*
- *Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond.*
- *The 'rooting' area shall be mulched with an acidic, organic compost or mulch.*
- *The project applicant shall arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as such conditions occur, or as appropriate.*
- *Subject to the discretion of the Development Services Department, individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within the above general guidelines.*

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 Director of Public Works/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 Engineering Study prepared for the proposed project by Geo-Engineering Solutions are properly incorporated and utilized in the project design.

C. Hazards and Hazardous Materials

IX-1 Under the oversight of the Santa Clara County Department of Environmental Health (SCCDEH), the project applicant shall remove all wrecked vehicles and scrap metal from the site prior to implementation of the Workplan for Shallow Soil Remediation prepared by GeoSolve (April 12, 2021). The SCCDEH shall oversee implementation of the Workplan for Shallow Soil Remediation, which shall include, but shall not be limited to, the excavation and disposal of the COCs identified in the environmental investigations conducted by Earth Systems Pacific (March 26, 2020) and GeoSolve (October 5, 2020) by a State-licensed hazardous waste contractor, and the collection of confirmation soil samples to be analyzed by a state-certified hazardous waste testing laboratory for diesel (TEPHd), motor oil (TEPHmo), chromium, lead, and nickel. A qualified field geologist shall be present to observe excavation, disposal, and soil collection activities. The field geologist shall prepare a report summarizing the results of the Workplan for Shallow Soil Remediation upon completion of soil remediation activities. The report shall be submitted to the City of Morgan Hill Development Services Department for review and approval prior to demolition activities.

IX-2

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

D. Noise

XIII-1

Noise-generating construction activities associated with the proposed project shall only occur within the hours identified in MHMC 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.

XIII-2

To the maximum extent practical, the following measures shall 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.*
- *Nearby noise-sensitive receptors 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.

XIII-3 Mechanical equipment shall be selected and designed to reduce impacts on surrounding to meet the City's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and the installation of noise barriers, such as enclosures or parapet walls to block the line-of-sight between the noise source and the nearest receptors. The proposed mechanical equipment systems and noise reduction measures shall be included on project improvement plans and building plans, subject to review and approval by the City of Morgan Hill Development Services Department.

XIII-4 During construction activities associated with the proposed project, any compaction required within 26 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department

E. Transportation

XVII-1 The project applicant shall install a dedicated eastbound left-turn lane on Madrone Parkway to serve the project driveway. The turn lane shall be designed in accordance with City standards and included on project Improvement Plans to be reviewed and approved by the City Engineer.

XVII-2 The project applicant shall install a right-turn channelization island at the Monterey Road Driveway with the project site to restrict inbound and outbound left-turns at the driveway. Design of the channelization island shall be included on project Improvement Plans to be reviewed and approved by the City Engineer.

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

**MITIGATION MONITORING AND REPORTING PROGRAM
MONTEREY-MINER (JEMCOR) APARTMENTS
MORGAN HILL, CALIFORNIA**

Prepared for the:



Community Development Department
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October 2021

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 Monterey-Miner (JEMCOR) Apartments 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

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

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
Prior to Construction			
BIO-1 (IV-1): If construction is proposed during the breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist and submitted to the City of Morgan Hill Development Services Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, no further mitigation is required and construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August). If nesting migratory birds or raptors are detected on or adjacent to the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (250-foot minimum for certain raptors) shall be determined by the qualified biologist at that time and may vary depending on location, topography, type of construction activity, and species. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.	Project Applicant with a Qualified Biologist	City of Morgan Hill Development Services Department	If construction is proposed during the breeding season (February 1 through August 31), surveys shall be conducted no more than 14 days prior to the start of construction.

BIO-2 (IV-2): The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

Project Applicant with a
Qualified Arborist and
Construction Contractor

City of Morgan Hill
Development Services
Department

Prior to the issuance of a grading
permit.

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

- Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.
- Avoid root damage through grading, trenching, compaction, etc., at least within an area 1.5 times the 'dripline' area of trees. Where root damage cannot be avoided, roots encountered (over one inch in diameter) should be exposed approximately 12 inches beyond the area to be disturbed (towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.
- A temporary fence shall be constructed as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. 'No parking or storage' signs shall be posted outside/on the fencing.

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

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
Postings shall not be attached to the main stem of the tree. • Vehicles, equipment, pedestrian traffic, building materials, debris storage, and/or disposal of toxic or other materials shall not be permitted inside of the fenced off area. • The project applicant shall avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction. • Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities, with not more than six pounds of actual nitrogen per 1,000 square feet of accessible 'drip line' area or beyond. • The 'rooting' area shall be mulched with an acidic, organic compost or mulch. • The project applicant shall arrange for periodic (Biannual/Quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as such conditions occur, or as appropriate. • Subject to the discretion of the Development Services Division, individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within the above general guidelines.			

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

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
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 Engineering Study prepared for the proposed project by Geo-Engineering Solutions are properly incorporated and utilized 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): Under the oversight of the Santa Clara County Department of Environmental Health (SCCDEH), the project applicant shall remove all wrecked vehicles and scrap metal from the site prior to implementation of the Workplan for Shallow Soil Remediation prepared by GeoSolve (April 12, 2021). The SCCDEH shall oversee implementation of the Workplan for Shallow Soil Remediation, which shall include, but shall not be limited to, the excavation and disposal of the COCs identified in the environmental investigations conducted by Earth Systems Pacific (March 26, 2020) and GeoSolve (October 5, 2020) by a State-licensed hazardous waste contractor, and the collection of confirmation soil samples to be analyzed by a state-certified hazardous waste testing laboratory for diesel (TEPHd), motor oil (TEPHmo), chromium, lead, and nickel . A qualified field geologist shall be present to observe excavation, disposal, and soil collection activities. The field geologist shall prepare a report summarizing the results of the Workplan for Shallow Soil Remediation upon completion of soil remediation activities. The report shall be submitted to the City of Morgan Hill Development Services Division for review and approval prior to demolition activities.	Project Applicant with a Qualified Field Geologist	City of Morgan Hill Development Services Department Santa Clara County Department of Environmental Health	Prior to demolition activities.

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

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
HAZ-2 (IX-2): Prior to issuance of a demolition permit for on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Division an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.	Project Applicant with Certified Asbestos and/or Lead Risk Assessors	City of Morgan Hill Building Division Santa Clara County Department of Environmental Health	Prior to the issuance of a demolition permit.
During Construction			

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

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
NOI-1 (XIII-1): Noise-generating construction activities associated with the proposed project shall not occur within the hours identified in Municipal Code Section 8.28.040(D). The above language shall be included on final project improvement plans prior to approval by the City of Morgan Hill Development Services Department.	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	Prior to approval of improvement plans and during construction activities.
NOI-2 (XIII-2): To the maximum extent practical, the following measures shall 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. • Nearby noise-sensitive receptors shall be notified of construction schedules so that arrangements can be made, if desired, to limit	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	During construction activities.

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

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
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.			
NOI-3 (XIII-3): Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and the installation of noise barriers, such as enclosures or parapet walls to block the line-of-sight between the noise source and the nearest receptors. The proposed mechanical equipment systems and noise reduction measures shall be included on project improvement plans and building plans, subject to review and approval by the City of Morgan Hill Development Services Department.	Project Applicant with a Qualified Acoustical Consultant	City of Morgan Hill Development Services Department	Prior to approval of improvement plans and building plans, and during construction activities.
NOI-4 (XIII-4): During construction activities associated with the proposed project, any compaction required within 26 feet of existing structures adjacent to the project site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department.	Project Applicant with Construction Contractor	City of Morgan Hill Development Services Department	Prior to approval of grading plans and during construction activities.
TRA-1 (XVII-1): The project applicant shall install a dedicated eastbound left-turn lane on Madrone Parkway to serve the project driveway. The turn lane	Project Applicant with Construction Contractor	City of Morgan Hill Engineer	Prior to approval of improvement plans and during construction activities.

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

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility¹	Timing of Implementation
shall be designed in accordance with City standards and included on project Improvement Plans to be reviewed and approved by the City Engineer.			
TRA-2 (XVII-2): The project applicant shall install a right-turn channelization island at the Monterey Road Driveway with the project site to restrict inbound and outbound left-turns at the driveway. Design of the channelization island shall be included on project Improvement Plans to be reviewed and approved by the City Engineer.	Project Applicant with Construction Contractor	City of Morgan Hill Engineer	Prior to approval of improvement plans and during construction activities.
¹ The City of Morgan Hill may hire a qualified contractor to conduct mitigation monitoring.			

BIOLOGICAL RESOURCES

The project's construction-related activities, including demolition and grading, could have potentially significant effects on nesting migratory birds and raptors protected by the Migratory Bird Treaty Act (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 impacts to less-than-significant levels.

MM BIO-1: If construction is proposed during the breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist and submitted to the City of Morgan Hill Development Services Department for review no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, no further mitigation is required and construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).

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

MM BIO-2: The project applicant shall mitigate for the removal of the Ordinance Sized Trees located within the project site, as identified in the tree survey prepared for the proposed project, by providing an on-site replacement planting at a minimum 1:1 ratio with 15-gallon minimum size trees.

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

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

(towards tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw, and immediately back-filled with soil. Tearing, or otherwise disturbing the portion of the root(s) to remain, shall be avoided.

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

GEOLOGY AND SOILS

Inclusion of project-specific recommendations regarding the removal and replacement of undocumented fill soils within the project site included in the Geotechnical Engineering 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 specified in the Geotechnical Engineering Study prepared for the proposed project by Geo-Engineering Solutions are properly incorporated and utilized 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) and asbestos-containing materials. In addition, contaminants of concern have been identified within on-site soils. 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:** Under the oversight of the Santa Clara County Department of Environmental Health (SCCDEH), the project applicant shall remove all wrecked vehicles and scrap metal from the site prior to implementation of the Workplan for Shallow Soil Remediation prepared by GeoSolve (April 12, 2021). The SCCDEH shall oversee implementation of the Workplan for Shallow Soil Remediation, which shall include, but shall not be limited to, the excavation and disposal of the COCs identified in the environmental investigations conducted by Earth Systems Pacific (March 26, 2020) and GeoSolve (October 5, 2020) by a State-licensed hazardous waste contractor, and the collection of confirmation soil samples to be analyzed by a state-certified hazardous waste testing laboratory for diesel (TEPHd), motor oil (TEPHmo), chromium, lead, and nickel . A qualified field geologist shall be present to observe excavation, disposal, and soil collection activities. The field geologist shall prepare a report summarizing the results of the Workplan for Shallow Soil Remediation upon completion of soil remediation activities. The report shall be submitted to the City of Morgan Hill Development Services Division for review and approval prior to demolition activities.
- MM HAZ-2:** Prior to issuance of a demolition permit for on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Division an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.

NOISE

The proposed project would result in a temporary increase in ambient noise levels and groundborne vibration levels in the project vicinity during construction, and would result in an increase in ambient noise levels due to roof-top mechanical equipment during project operation. 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 shall only occur within the hours identified in MHMC 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.

MM NOI-2: To the maximum extent practical, the following measures shall 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.
- Nearby noise-sensitive receptors 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.

MM NOI-3: Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and the installation of noise barriers, such as enclosures or parapet walls to block the line-of-sight between the noise source and the nearest receptors. The proposed mechanical equipment systems and noise reduction measures shall be included on project improvement plans and building plans, subject to review and approval by the City of Morgan Hill Development Services Department.

MM NOI-4: During construction activities associated with the proposed project, any compaction required within 26 feet of existing structures adjacent to the project

site shall be accomplished by using static drum rollers rather than vibratory compactors. The above requirement shall be included via notation on any grading plans approved for the project to the satisfaction of the City of Morgan Hill Development Services Department.

TRANSPORTATION

Project traffic entering the Monterey Road and Madrone Parkway driveways has the potential to cause operational conflicts. Implementation of the following measures would reduce the potentially significant impact to a less-than-significant level.

- MM TRA-1:** The project applicant shall install a dedicated eastbound left-turn lane on Madrone Parkway to serve the project driveway. The turn lane shall be designed in accordance with City standards and included on project Improvement Plans to be reviewed and approved by the City Engineer.
- MM TRA-2:** The project applicant shall install a right-turn channelization island at the Monterey Road Driveway with the project site to restrict inbound and outbound left-turns at the driveway. Design of the channelization island shall be included on project Improvement Plans to be reviewed and approved by the City Engineer.

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: _____

Item # 2**AGENDA DATE: 10/26/2021****SUPPLEMENTAL # 1**

August 18, 2021

City of Morgan Hill

Development Services Dept

17575 Peak Ave

Morgan Hill, CA 95037

RE: Monterey-Miner (JEMCOR) Apartments Project

Attn: Gina Paolini

This letter is a written response in regards to the Notice of Intent to Adopt dated July 26, 2021 regarding the Monterey-Miner (JEMCOR) Apartments Project ("Project") and the Initial Study/Mitigated Negative Declaration ("IS/MND").

My comments are specific to the noted sections of the IS/MND.

I: Aesthetics. a,c.

Paragraph 5 indicates that the Design Review is to "...ensure that the proposed project...minimizes negative impacts on neighboring properties". The IS/MND cites as an example, that the two units on the easternmost side of the project (those facing Taylor Ave) will be reduced to two stories.

However, it fails to mention that a Design Waiver was requested to reduce the setback on Taylor from 20 feet to 15.7 feet which brings those units closer to the property boundary and offsets the reduction in height.

XVII: Transportation. c,d.

This section discusses the trip generation and assignment specific to traffic on Monterey Road and Madrone Parkway and mitigation measures to address the "potentially significant" impacts of traffic on these streets.

However, there is NO mention of the impact of traffic on Taylor Ave given that the current Project does nothing to mitigate the potential overflow parking to be anticipated in the Taylor Ave neighborhood. As currently proposed, while there is an EVA driveway and gate to only be used by emergency vehicles, there is no barrier on either side of the EVA gate to prevent pedestrian traffic and allow access for residents to park in the Taylor Ave neighborhood as a means to "shortcut" having to use the dedicated driveways on Madrone Parkway and Monterey Road. The impact to the Taylor Ave neighborhood would be significant if the Project is allowed to proceed as proposed.

Requested Mitigation

To address the concerns noted above, the Project should include either:

1. A continuation of the 6ft masonry wall that is to border the north side of the Project boundary. The continuation would be along Taylor Ave to the terminus on Madrone Parkway.
2. A fence of a height of 6ft that will not allow for gaps to allow pedestrian access. The fence would extend from the eastern terminus of the masonry wall on the north side boundary of the project to the terminus on Madrone Parkway.

The requested mitigation measures would not add significant cost to the overall project cost. However, the beneficial impact to the Taylor Ave neighborhood would be more than significant.

Sincerely,

Mark Gion

19062 Taylor Ave

Morgan Hill, CA 95037

408-391-2791

markgion55@gmail.com

Item # 2

AGENDA DATE: 10/26/2021
SUPPLEMENTAL # 2

August 31, 2021

City of Morgan Hill
Development Services Dept
17575 Peak Ave
Morgan Hill, CA 95037

RE: Monterey-Miner (JEMCOR) Apartments Project
Attn: Gina Paolini

I am writing this letter in response to the Notice of Intent to Adopt dated July 26, 2021 regarding the Monterey-Miner (JEMCOR) Apartments Project ("Project") and the Initial Study/Mitigated Negative Declaration ("IS/MND"). As with others in our neighborhood, I am very concerned with the following sections: I: Aesthetics. a,c. and XVII: Transportation. c,d..

I: Aesthetics. a,c.

Indicated in Paragraph 5 the Design Review is to "...ensure that the proposed project...minimizes negative impacts on neighboring properties". The IS/MND cites as an example, that the two units on the easternmost side of the project (those facing Taylor Ave) will be reduced to two stories.

Notice, it does not mention that a Design Waiver was requested to reduce the setback on Taylor from 20 feet to 15.7 feet which brings those units closer to the property boundary and offsets the reduction in height. This is very unacceptable.

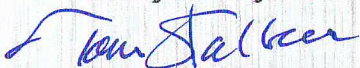
XVII: Transportation. c,d.

While this section elaborates on traffic specific to Madrone Parkway and Monterey Road it fails to mention the traffic and parking on the smaller street of Taylor Avenue and increased traffic on Peebles Avenue. The people close to Taylor Avenue from this development will park up and down this street causing a problem for the homeowners. This is a REAL problem, as the minimal parking provided by the development. My estimate is an estimated 375 or more vehicles for what 185 parking spaces within the development? This is unacceptable.

As suggested by neighbors, a continuation of the 6 foot masonry wall that borders on the north side of the project boundary to be continued along the Taylor Avenue to the Madrone Parkway access point.

This suggestion is not excessive in cost to the overall project cost, but will alleviate a great deal of concern to the residents on Taylor Avenue and adjacent streets.

Thank you for your consideration,



Tom Walker
19260 Clayton Avenue
Morgan Hill, CA 95037
408-996-8966
tewco7@gmail.com

Attachment: Item 2 - Supplemental No. 2 [Revision 1] (3188 : Monterey-Miner (Jemcor))

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Mary Murtagh
EAH Housing

Chris Neale
The Core Companies

Kelly Snider
Kelly Snider Consulting

TRANSMITTED VIA EMAIL

October 21, 2021

Planning Commission
City of Morgan Hill
17575 Peak Avenue, Morgan Hill, CA 95037

Dear Chair Kumar, Vice Chair Gonzalez Escoto, and Commissioners Downey, Mueller, Munoz Morris, Tanda, and Habib:

RE: Village at Madrone Housing Development

On behalf of our members, SV@Home writes in support of JEMCOR's 249-unit 100% affordable development, the Village at Madrone. Located at the northeast corner of Monterey Road and Madrone Parkway on a 7.5-acre site, the development will bring needed family homes to the City of Morgan Hill without displacing any existing residents.

The Village at Madrone will provide 246 new deed-restricted homes affordable to individual and family households at rents approximately 25% below conventional market rents and offer fully-assigned residential parking at a ratio of two spaces per unit to mitigate potential parking impacts. Three of the units will be reserved for property management; however, the remainder of the homes will be made affordable to **very-low and low-income families who make between 30% to 60% of the Area Median Income (AMI)**.

To ensure community fit, JEMCOR has taken steps to craft a development that accounts for the surrounding area through thoughtful design and community engagement. The development will bring amenities for residents and neighboring community members, such as play areas and equipment for children, seating and lunch areas, a dog park, and vehicular access to the Taylor Avenue neighborhood for safety vehicle use. The design and accessibility of the development will make it a community asset without the need for city or county subsidy.

As our shared need for housing increases, Morgan Hill continues to be a leader on addressing the housing challenges of its working families at all income levels. This development further demonstrates the City's support for working families.

We urge the Planning Commission to support this worthy development and advance the Village at Madrone through the entitlement process without delay.

Sincerely,



David K. Meyer
Director of Strategic Initiatives, SV@Home

AGENDA DATE: 10/26/2021
SUPPLEMENTAL # 4

From: [Pete Settelmayer](#)
To: [PC Public Comment](#)
Subject: [EXTERNAL] Monterey-Miner (Jemcor) project with Assessor's Parcel Number 726-36-059.
Date: Tuesday, October 26, 2021 3:23:31 PM

Some people who received this message don't often get email from psettelmayer@gmail.com.
[Learn why this is important](#)

To whom it may concern,

As a resident of Morgan Hill, I want to register my support for this affordable housing project. As a former educator and current CEO of a Charter Organization, I understand the importance of affordable housing options that allow educators and other professionals access to affordable housing.

--

In Service,
Pete Settelmayer
(He, him, his)
56 Granada St, Morgan Hill, CA 95037

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AGENDA DATE: 10/26/2021
SUPPLEMENTAL # 5

From: [Jake Thompson](#)
To: [PC Public Comment](#)
Subject: [EXTERNAL] Monterey-Miner (Jemcor) project with Assessor's Parcel Number 726-36-059
Date: Tuesday, October 26, 2021 3:58:18 PM

Some people who received this message don't often get email from jakethomp@hotmail.com.
[Learn why this is important](#)

To whom it may concern:

My name is Jake Thompson and I am a current resident of Morgan Hill and previously served on the Library, Culture, and Arts Committee. I wanted to register a comment on behalf of the Monterey-Miner (Jemcor) project, Parcel Number 726-36-059. I urge our city to approve the build of this project. Morgan Hill is a beautiful city and I am proud to live here. Unfortunately, not everyone can afford to reside in our wonderful community. In fact, many educators (I am one myself) are not able to live near their place of work due to the lack of affordable housing in the area. The Monterey-Miner project, being that it is 100% affordable housing, would offer workforce housing that could potentially benefit both educators and administrators in our community. Teachers and education administrators are leaving the field for multiple reasons, one big reason being the lack of affordable housing. This project would offer our educators the opportunity to live in the community and so that they may serve in the community.

Please consider approving the Monterey-Miner project and provide the opportunity for our workforce to have housing that is both affordable and accessible.

Thank you,

Jake Thompson
Senior Director of Elementary Program, Alpha Public Schools

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AGENDA DATE: 10/26/2021
SUPPLEMENTAL # 5

From: [Jake Thompson](#)
To: [PC Public Comment](#)
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THE VILLAGE AT MADRONE

PROJECT OVERVIEW



THE VILLAGE AT MADRONE – DEVELOPER OVERVIEW

JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

- JEMCOR Development Partners:
 - Based in San Mateo
 - Developer of multifamily communities across California
 - Focused on affordable ‘workforce’ housing development
 - A track record of several thousand apartment units completed
 - General Contracting through its affiliate JEMCOR Construction Partners
- **JEMCOR will be the managing owner of property for at least the next 15 years**

THE VILLAGE AT MADRONE – LAND USE OVERVIEW

JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

- +/- 7.5 acres at the northeast corner of Monterey Road and Madrone Parkway
- Previously the California Parts and Tow auto junkyard and U-Haul rental center
- **The site is already restricted to 100% affordable housing development, whether as rental or for-sale units**
- These restrictions are held by the State of California and will run with the land for the next 55 years

WHAT WILL THE VILLAGE LOOK LIKE?

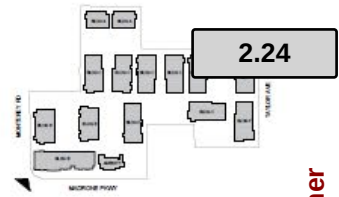
JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

- The Village's buildings and indoor amenities have been designed by award-winning architects **KTGY**, one of the country's leading architects for market-rate, affordable, and for-sale housing communities (www.ktgy.com)
- The Village's landscaping and outdoor amenities have been designed by **MJS Landscape Architecture**, also an award-winning and leading designer of luxury, market-rate, and affordable housing communities (www.mjs-la.com)

NORTHEAST OVERHEAD VIEW



VIEW FROM MONTEREY ROAD AND MADRONE PARKWAY



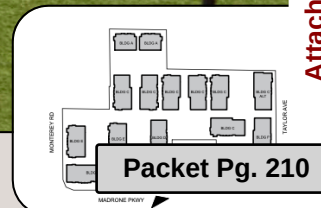
SAMPLE ELEVATIONS – 3-STORY BUILDINGS



5. Front (along Monterey Rd)



MAIN ENTRANCE, LEASING, AND INDOOR AMENITIES



WHAT ABOUT PARKING?

KEITH LABUS, AIA, PRINCIPAL OF KTG ARCHITECTURE

- The Village's 249 units will be supported by 428 parking spaces
- This generates a ratio of 1.7 parking spaces per unit
- This ratio exceeds current State Density Bonus Law standards by 26%
- **All resident parking will be assigned parking**
- Any vehicles parked in non-assigned spaces will be subject to towing
- 265 (62%) of these spaces will be enclosed spaces beneath the residential units
- 43 (10%) of these spaces will be EV-ready spaces
- The Village has been designed such that very little of its surface parking will be visible from Monterey Road, Madrone Parkway, or Taylor Avenue

WHAT ABOUT PARKING?

KEITH LABUS, AIA, PRINCIPAL OF KTG ARCHITECTURE

Parking beneath buildings will be assigned, but not divided or enclosed in a way that would allow for any private storage – **ensuring that covered parking spaces are used only for parking and cannot be used as storage units**



The Village - Project Rendering



Example JEMCOR Development – Same Concept

WHAT AMENITIES WILL BE INCLUDED?

KEITH LABUS, AIA, PRINCIPAL OF KTG ARCHITECTURE

- **Indoor common areas will include:**

- Resident clubroom with demonstration kitchen
- Fenced outdoor patio area connected to clubroom for indoor/outdoor celebrations
- Resident fitness center
- Dedicated computer and technology center
- Dedicated indoor package delivery room

- **Outdoor common area amenities will include:**

- Large children's play areas with play equipment separated for children 2-5 years and 5-12 years
- Adjacent shaded trellis structure with 3 large, covered picnic tables
- Short-term bicycle parking for 56 bicycles
- 3 Pedestal-mounted barbeque stations
- Dedicated and enclosed community dog park measuring 15' x 60' with pet washing station

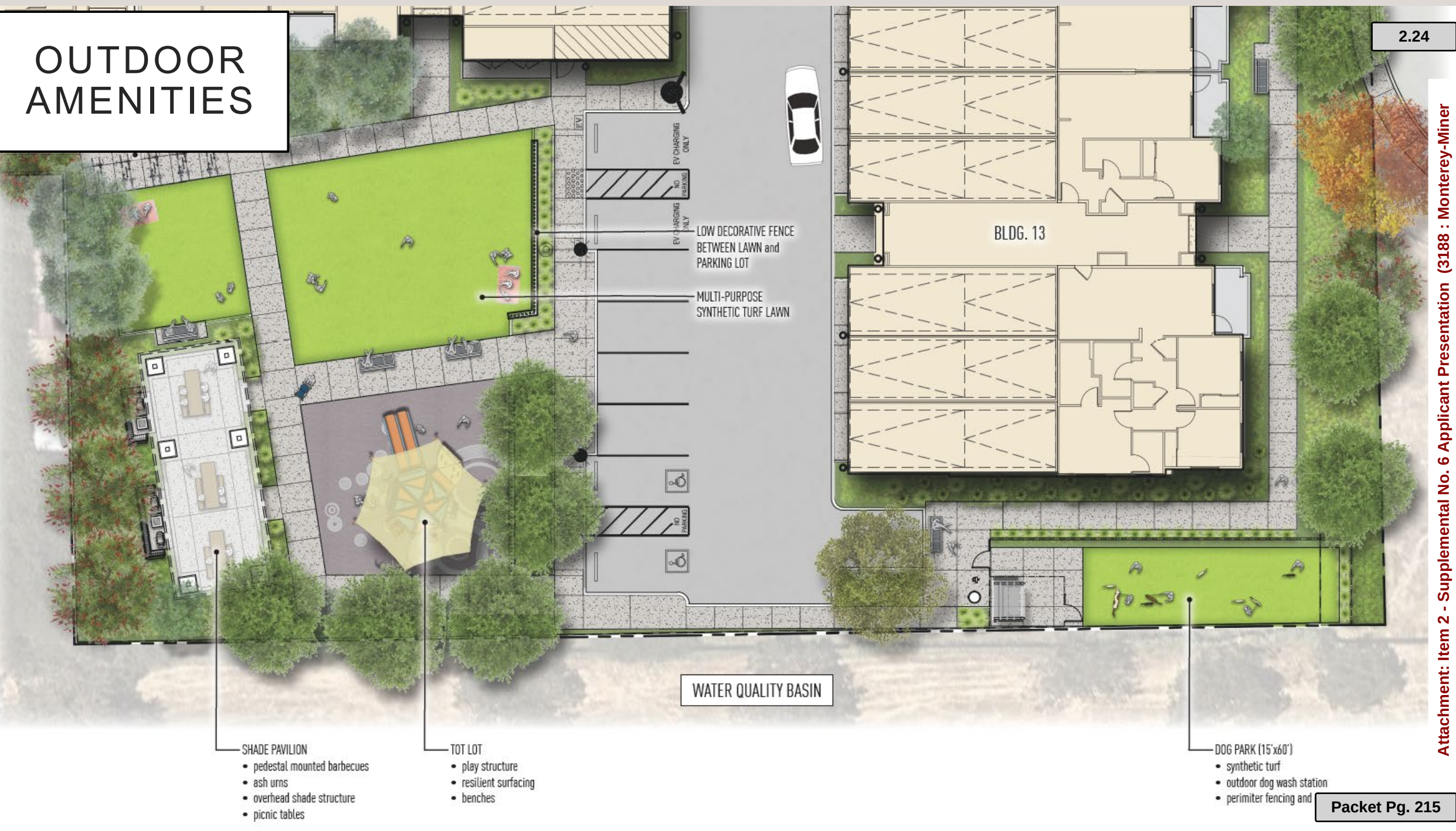
INDOOR AMENITIES



OUTDOOR AMENITIES

2.24

Attachment: Item 2 - Supplemental No. 6 Applicant Presentation (3188 : Monterey-Miner

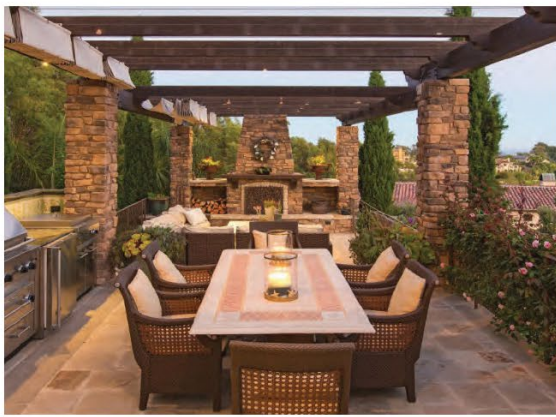


- SHADE PAVILION
- pedestal mounted barbecues
 - ash urns
 - overhead shade structure
 - picnic tables

- TOT LOT
- play structure
 - resilient surfacing
 - benches

WATER QUALITY BASIN

- DOG PARK (15'x60')
- synthetic turf
 - outdoor dog wash station
 - perimeter fencing and



SHADE PAVILION



PAVING



OUTDOOR AMENITIES (SAMPLE IMAGERY)

2.24



LOW DECORATIVE FENCE



BIKE RACKS



PICNIC TABLES



POTTERY



TOT LOT



TURF



DOG PARK



Packet Pg. 216

WHY DEVELOP TO NEARLY THE MAXIMUM DENSITY?

JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

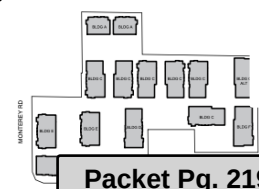
- Building to the higher range of the allowable density range allows the community to:
 - Be built as a ‘workforce’ housing community (the Applicant’s core focus)
 - Be built without the need for millions of dollars of subsidy funds from the City of Morgan Hill or Santa Clara County
 - Building to the higher range of allowable density allows the project to be financially feasible

HOW WILL THE VILLAGE LOOK FROM TAYLOR AVENUE?

JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

- Throughout the design process, the Village's design team has worked to be as sensitive as possible to the single-family homes in the Taylor Avenue neighborhood
- The design **voluntarily reduces** the height of the two residential buildings fronting Taylor Avenue from three stories to two stories in an effort to soften the transition from single-family to multi-family uses
- The design also **voluntary limits** vehicle access to or from Taylor Avenue to first-responders only – the function of the gate system will not permit any other vehicles to enter from or exit onto Taylor Avenue
- This EVA access gate will have the added community benefit of providing first-responders a southerly access point to the Taylor Avenue neighborhood, which does not currently exist

CONCEPTUAL VIEW FROM TAYLOR AVENUE – 2-STORY BUILDINGS



WHAT DOES 'WORKFORCE HOUSING' MEAN?

JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

- As used in this context, 'workforce' housing is not much different than a market-rate apartment community, other than that resident household incomes and rents cannot exceed certain standards set by federal or state government agencies
- As currently conceived, rents at The Village will be approximately 25% - 35% below equivalent rents for new or renovated market-rate apartment units in Morgan Hill
- Incoming residents will be subject to income verification, credit checks, and background checks similar to how applicants are reviewed at a market-rate properties
- **The Village will be professionally managed by FPI Management, one of the largest property managers of affordable, conventional, and luxury apartment communities in California**

WHAT DOES 'WORKFORCE HOUSING' MEAN?

JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

For Example:

- For 2021, a One Bedroom unit occupied by a two-person, 60% AMI household would qualify for initial occupancy with a household income up to \$79,560 per year, with the ability to remain eligible (after the first year of occupancy) up to \$111,384 per year
- For 2021, a Three Bedroom unit occupied by a four-person, 60% AMI household would qualify for initial occupancy with a household income up to \$99,420 per year, with the ability to remain eligible (after the first year of occupancy) up to \$139,188 per year
- Weighted average rents across ALL unit types and income levels will exceed \$2,000 per month
- **These income standards capture a broad range of potential residents, including Morgan Hill USD teachers, Morgan Hill USD administrative employees, City of Morgan Hill employees, first responders, recent college graduates, and many other valued members of the community**

THANK YOU

JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

Thank You! We look forward to providing high-quality new housing to working Morgan Hill families and are happy to answer any questions the Commission or members of the community may have.

ADDENDA: REFERENCE DETAILS – AMI LEVELS

JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

- The Village is anticipated to be subject to a TCAC regulatory agreement, with household income and rental rate restrictions in the following distribution:
 - 30% AMI Per TCAC Standards: 25 Units (10% of Non-Manager Units)
 - 50% AMI Per TCAC Standards: 25 Units (10% of Non-Manager Units)
 - 60% AMI Per TCAC Standards: 196 Units (80% of Non-Manager Units)
- The Village will also include 3 property management / staff units

ADDENDA: REFERENCE DETAILS – PROPERTY MANAGEMENT

JENNIFER JOHNSON, DESIGN TEAM CONSULTANT

The Village will be professionally managed by FPI Management, a leading property manager in California for affordable, market-rate, and luxury rental communities (www.fpimgt.com). Details on FPI's standard security practices are included in the Staff report, but include:

- **Key Control Policy:** Individual keys for each unit will be identified by code and stored in a locked key cabinet in the property manager's office. All keys are to be stamped with "Do Not Duplicate."
- **Building Access:** Resident access will be via key-fobs for the building entrances and physical keys for residential units.
- **Morgan Hill Police:** Morgan Hill police will be provided with the ability to access property at any time without having to wait for owner's permission. Building management will maintain regular contact with the local Police Department.
- **Site Lighting:** Site lighting will be provided with sufficient levels of illumination to provide a strong deterrence to crime. Lighting will also illuminate walkways, carports, and common areas.
- **Assigned Parking Spaces:** Spaces are to be assigned to residents to help identify unauthorized guests. Guest parking is to be by permit only. Any guest visiting the site will have to check in with manager to receive guest parking permit to help identify unauthorized guests.
- **Security Cameras:** Security cameras will be installed in key locations at the property. At a minimum, camera locations will include the community center/leasing office and trash receptacles. All cameras will be fully operational with remote recording 24 hours a day, 7 days a week.

From: [Tim McCollum](#)
To: [Planning Commission](#)
Subject: [EXTERNAL] Taylor Street Fence and parking
Date: Tuesday, October 26, 2021 8:59:10 PM

Item # 2
 AGENDA DATE: 10/26/2021
 SUPPLEMENTAL # 7

Some people who received this message don't often get email from tim.mccollum@nutanix.com.
[Learn why this is important](#)

There is no doubt that the parking issues raised by the new high density housing going in at Monterey and Madrone are unlikely to be solved in the near term. It is also certain that there will be negative impacts to the residents on nearby Taylor and Angelica Way. Is there another way to look at the problem? Since we are having to take something away from the current neighborhood residents, is there something we can offer of value to the resident to help offset their sacrifice. For example, can local residents be enabled to use the club house and fitness center, BBQ etc. This is just a top of mind kind of suggestion, but perhaps this would help soften the negatives and encourage the new and existing neighborhood residents to come together as a more cohesive community rather than further the "us and them" mentality that seems to be emerging.

Thanks for your consideration,
 Tim McCollum
 ■ Angelica Way

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Attachment: Item 2 - Supplemental No. 7 (3188 : Monterey-Miner (Jemcor))



SR2020-0027 Monterey-Miner (Jemcor)



Attachment: Staff Presentation (3188 : Monterey-Miner (Jemcor))

Monterey-Miner (Jemcor)

Application:

1. Design Permit - 249-unit, multi-family affordable development
 - 70 – One bedrooms
 - 116 – Two bedrooms
 - 63 – Three bedrooms
2. Includes Design Waivers to Development Standards:
 - Height- 38 feet (max. height: MU-F=35/ RAL=30)
 - Floor Area Ratio- 0.83 (max. 0.5)
 - Taylor Avenue Setback: 15 feet (min. 20 feet)
2. Application filed under Density Bonus Law and SB330

Monterey-Miner (Jemcor)

Project Location



Monterey-Miner (Jemcor)

Design Permit Review

- Ensures 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
- Intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties
- More than one hundred units is considered significant
- Significant projects are reviewed by the Planning Commission

Monterey-Miner (Jemcor)

The Planning Commission:

Verifies conformance with the:

- General Plan
- Zoning Code
- Residential Development Design and Development Standards (Objective Criteria)

May require compliance with any development policy or objective standard that has been adopted by the City (excludes waivers requested based upon density bonus law)

Monterey-Miner (Jemcor)

Density Bonus

- Density Bonus Law entitles projects to four incentives/concessions based upon affordability
- City Council adopted Resolution – April 2021 approving three concessions:
 - Parking Space Dimensions – garage tandem spaces reduced (10x18)
 - Bicycle Parking and Storage – Covered/long-term bicycle parking eliminated
 - Design Standard No. 38 - Pavement Design: Decorative pavement reduced- 2 percent

SB330

This meeting is public meeting #2 of a maximum of 5

Monterey-Miner (Jemcor)

General Plan and Zoning Designations

General Plan Land Use

Mixed Use Flex (30%)
7-24 units per acre

Residential Attached Low (70%)
6 to 16 units per acre

Zoning

MU-F- Block 3 of the Monterey Road Corridor

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

RAL-3,500 zone district

Monterey-Miner (Jemcor)

Zoning Compliance

Development Standard	MU-F	RAL-3,500	Proposed
Minimum Lot Size	6,000 Square Feet	3,500 Square Feet	7.54 acres
Minimum Lot Dimensions	60- foot width 100- foot depth	50- foot width 85- foot depth	Exceeds standards
Maximum Building Coverage	50 percent	50 percent	36 percent
Maximum Building Height	35 feet	35 feet	38 feet – Design Waiver
Floor Area Ratio	0.5	N/A	0.83 – Design Waiver
Setbacks			
Front	15 feet		15 feet
Rear	20 feet	20 feet	15 feet- Design Waiver requested
Interior Side	5 feet	15 feet or 20 feet for two story, adjacent to single-family district	15 feet (adjacent to RDM 7,000 district)
Street Side	10 feet	5 feet	30 feet

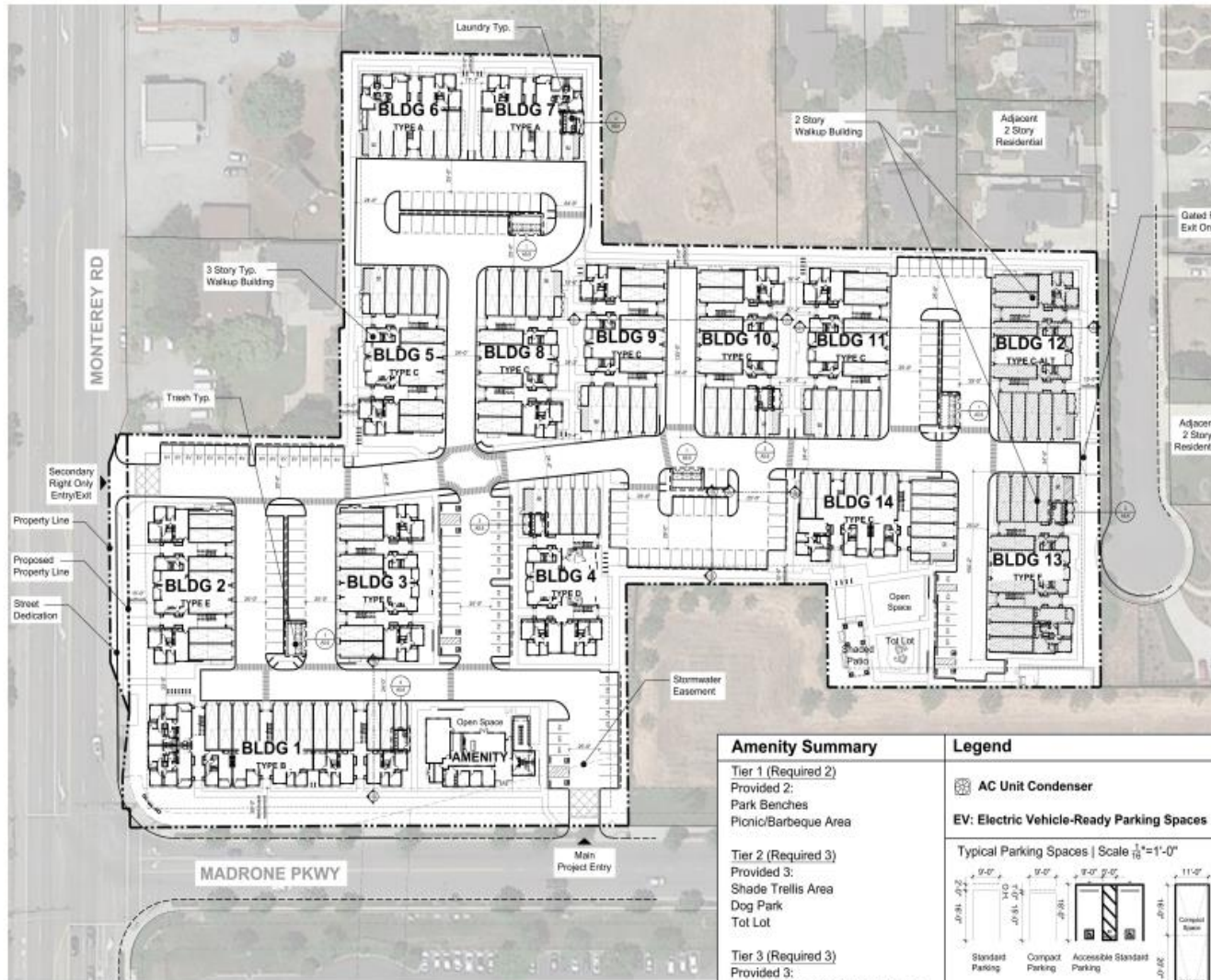
Monterey-Miner (Jemcor)

Parking Compliance

Unit Type	Number of Units	Municipal Code Parking Ratios (Table 18.72-2) and Requirements		Current State Density Bonus Parking Ratios and Requirements		Project Parking Ratios and Provided Parking	
One Bedroom	70 units	1 covered 0.5 uncovered per unit	70 covered 35 uncovered	1 space	70 spaces	1 space	70 spaces
Two Bedroom	116 units	1 covered 1 uncovered per unit	116 covered 116 uncovered	1.5 spaces	174 spaces	2 spaces	232 spaces
Three Bedroom	63 units	1 covered 1.5 uncovered per units	63 covered 94 uncovered	1.5 spaces	95 spaces	2 spaces	126 spaces
TOTALS	249 units	249 covered 245 uncovered		339 spaces		428 spaces	

Monterey-Miner (Jemcor)

Site Plan



Project Data

Project Address
Monterey and Madrone, Morgan Hill, CA 95037

Site Area Information

Gross Site Area 7.5 AC
Dwelling Units 249 DU
Density 33 DU / AC

Building Area Information

See A3.0 sheet series for building areas

Project Summary

Residential:

Unit Plan	Unit Type	Total	Percent
1 Bedroom	1bd/1ba	70	28%
2 Bedroom	2bd/1ba	116	47%
3 Bedroom	3bd/2ba	63	25%
Totals		249	100%

Parking:

Unit Type	Req'd Ratio	Req'd Parking
1 Bedroom	1 sp/DU	70 spaces
2 Bedroom	2 sp/DU	232 spaces
3 Bedroom	2 sp/DU	126 spaces
Total Required		±428 (1.7 spaces per unit)

Parking Type	Provided Parking
Tandem Carport Spaces	260 spaces
Single Carport Spaces	5 spaces
Standard Open Spaces	14 spaces
Compact Open Spaces	98 spaces
ADA Open Spaces	8 spaces
EV-Ready Spaces	43 spaces
Total Provided	±428 (1.7 spaces per unit)

Amenity Summary

Tier 1 (Required 2)

Provided 2:
Park Benches
Picnic/Barbecue Area

Tier 2 (Required 3)

Provided 3:
Shade Trellis Area
Dog Park
Tot Lot

Tier 3 (Required 3)

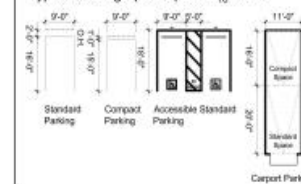
Provided 3:
Restroom Area (within Clubhouse)
Exercise Room (within Clubhouse)
Kitchen (within Clubhouse)

Legend

 AC Unit Condenser

EV: Electric Vehicle-Ready Parking Spaces

Typical Parking Spaces | Scale 1/8"=1'-0"



VICINITY MAP



Monterey-Miner (Jemcor)

Common Open Space Plan



OPEN SPACE CALCULATIONS		
	COMMON OPEN SPACE WITHIN SETBACK	18,483 SF
	COMMON OPEN SPACE	50,434 SF
	TOTAL COMMON OPEN SPACE	68,917 SF

COMMON OPEN SPACE TABULATION:

15% of SITE AREA to be DEDICATED to COMMON OPEN SPACE

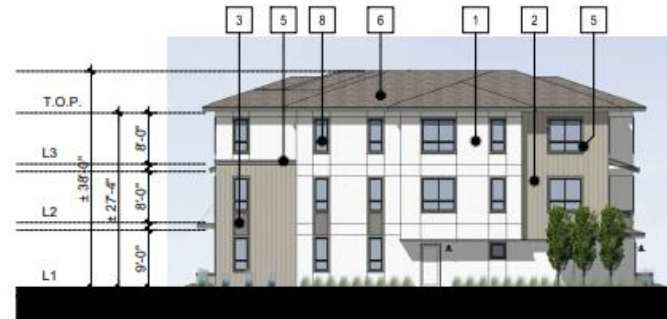
(328,000 s.f. net site area) x 15% =
 49,200 s.f. COMMON OPEN SPACE REQUIRED
 68,917 s.f. = COMMON OPEN SPACE PROVIDED

COMMON OPEN SPACE DEFINITIONS:

- minimum useable width of 15'
- minimum area of 500 s.f.
- a slope of no more than 10%
- accessibility to all units
- open to sky
- may contain amenities which enhance usability such as swimming pools, play equipment, benches, tables and barbecues.
- parking, loading and service areas may not be counted as open space

Monterey-Miner (Jemcor)

Building 1 Elevations- Madrone Parkway



Material Legend:

1. Stucco Body
2. Fiber Cement Siding
3. Stucco Accent
4. Stone Veneer
5. Trim / Accent
6. Roof
7. Metal Railing
8. Vinyl Window
9. Light Fixture
10. Split Face Block
11. Metal Awning
12. Carport Opening (no garage door)
13. Painted Metal



Monterey-Miner (Jemcor)

Building 12 Elevations- Taylor Avenue

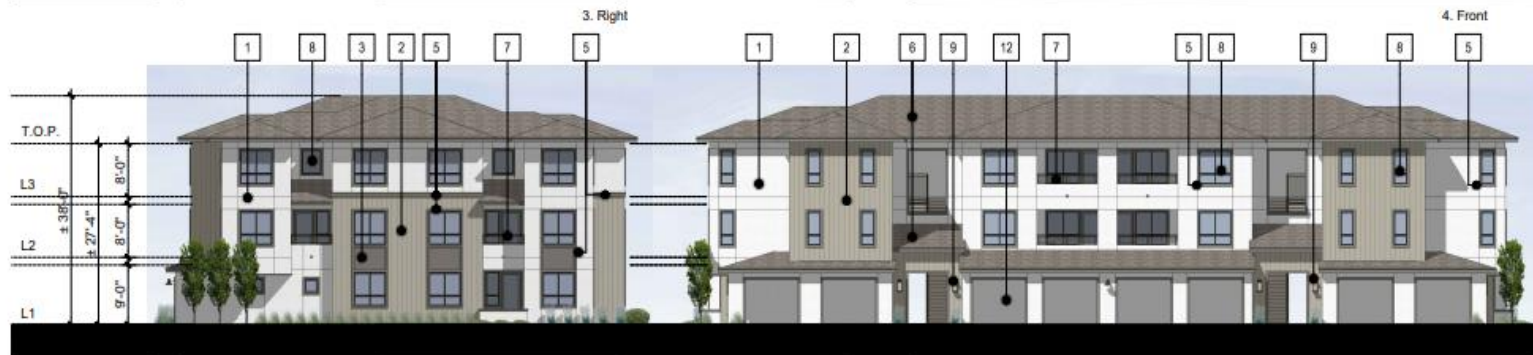


Monterey-Miner (Jemcor)

Building 2 Elevations- Monterey Road



- Material Legend:**
1. Stucco Body
 2. Fiber Cement Siding
 3. Stucco Accent
 4. Stone Veneer
 5. Trim / Accent
 6. Roof
 7. Metal Railing
 8. Vinyl Window
 9. Light Fixture
 10. Split Face Block
 11. Metal Awning
 12. Carport Opening (no garage door)
 13. Painted Metal



2. Left

1. Rear

Monterey-Miner (Jemcor)

Clubhouse and Trash Enclosure Elevations



Monterey-Miner (Jemcor)

Material Board



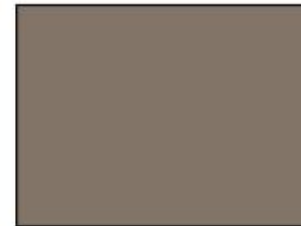
Key Elevation



1. Stucco Body
Color: SW7566 Westhighland White or similar



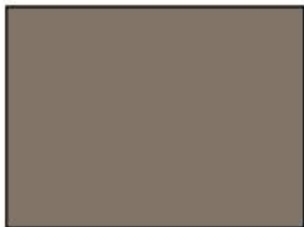
2. Fiber Cement Siding
Color: SW 7641 Collonade Gray or similar



3. Stucco Accent
Color: SW 7514 Foothills or similar



4. Veneer : Creative Mines
Style: Craft Board Form
Color: Monsoon



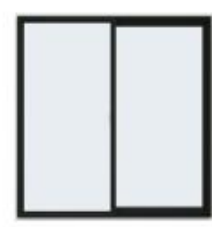
5. Trim / Accent Color
Color: SW 7514 Foothills or similar



6. Roofing : CertainTeed
Style: Landmark
Color: Mojave Tan or similar



7. Metal Railing
Color: SW 7674 Peppercom or similar



8. Windows : AMSCO
Style: Studio Series Vinyl
Color: Bronze or Black

Monterey-Miner (Jemcor)

Aerial View



Monterey-Miner (Jemcor)

Northern View – Monterey Road and Madrone Parkway



Monterey-Miner (Jemcor)

View of Clubhouse/Leasing Building



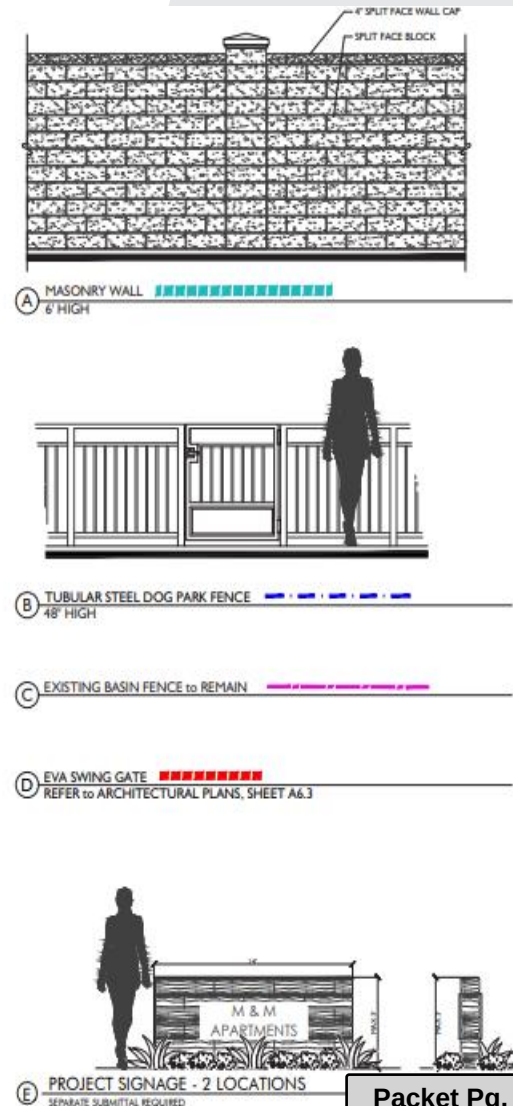
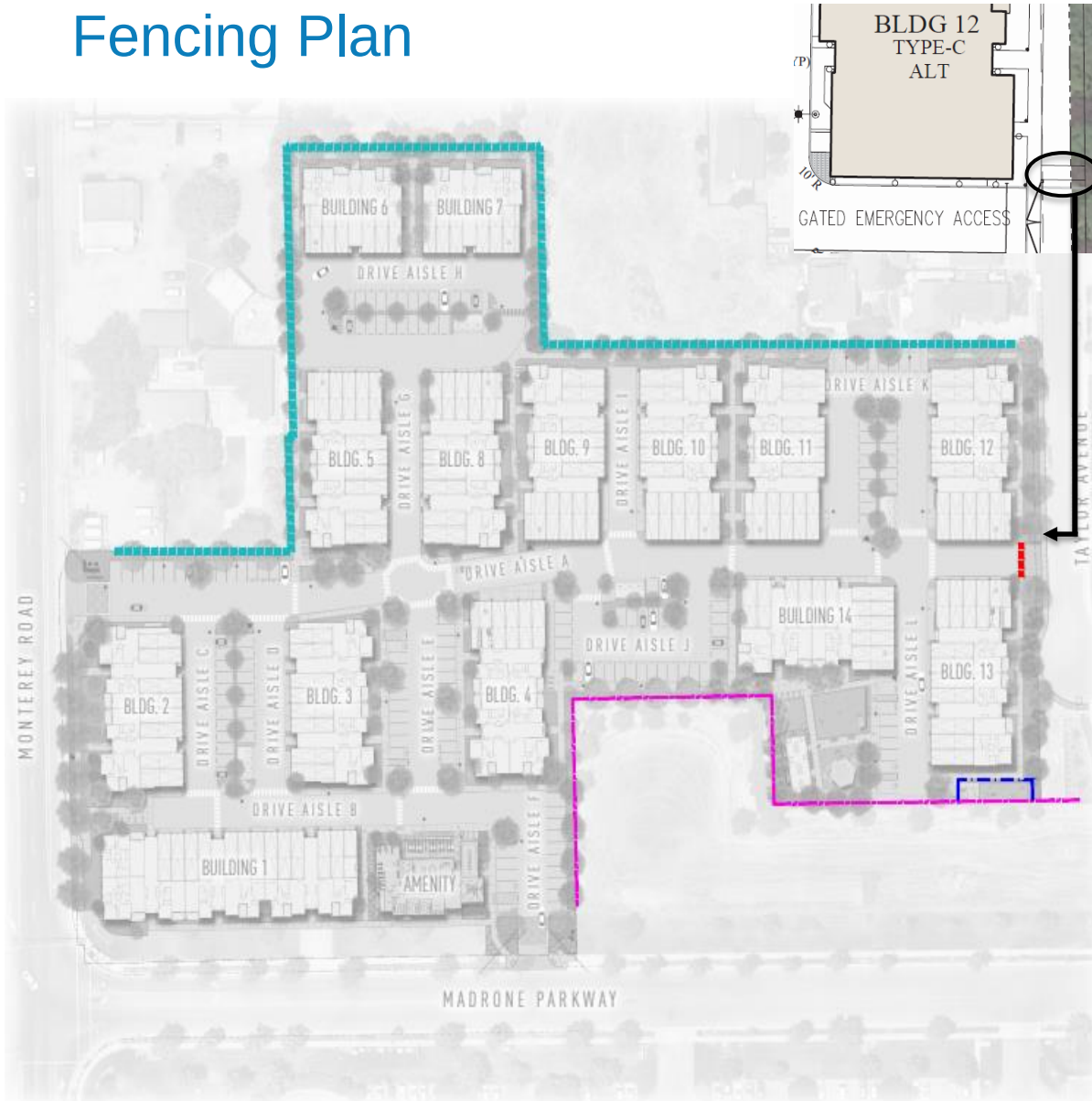
Monterey-Miner (Jemcor)

Southern View from Taylor Avenue



Monterey-Miner (Jemcor)

Fencing Plan



Monterey-Miner (Jemcor)

Taylor Avenue Neighborhood Concerns

- Taylor Avenue used for overflow parking
- Cut-thru Traffic
- Overall impact on street

Request:

- A six-foot masonry wall along Taylor Avenue, or
- A six-foot fence with no gaps

The City promotes integrated, connected neighborhoods and a pedestrian-friendly environment

Walling off this development would conflict with General Plan policies

Monterey-Miner (Jemcor)

Taylor Avenue Project Improvements

- New curb, gutter, and attached 5-foot sidewalk
- Dedication of right-of-way
- Restricted emergency vehicle access (EVA)

General Plan Compliance

- Building 12 and 13 - two stories consistent with neighboring properties
- Use of landscaping to soften visual impact
- Use of prominent and visible ground level entries facing Taylor Avenue
- Provides neighborhood connectivity
- Active and pedestrian-friendly public realm design

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Taylor Avenue- Iron Fence Detail (not recommended)



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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).

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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.

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Project Consistency

Proposed project consistent with:

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

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Community Engagement

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

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CEQA

- Initial Study (IS) prepared
- Notice of Intent circulated August 6, 2021 through September 6, 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

- Response to comments prepared
- Errata Sheet prepared

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Recommendation

- Open/close public hearing
- Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program
- Adopt a Resolution approving a Design Permit with Design Waivers

Questions?

