



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
-

Tuesday, November 23, 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

CONSENT AGENDA

1. APPROVE THE OCTOBER 26, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

2. APPROVE THE NOVEMBER 9, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

PUBLIC HEARINGS

3. SR2021-0005/UP2021-0006/EA2021-0005: MONTEREY – FIRST COMMUNITY HOUSING (MAGNOLIAS): DESIGN REVIEW PERMIT AND ENVIRONMENTAL ASSESSMENT FOR A 66-UNIT, MULTI-FAMILY AFFORDABLE RESIDENTIAL COMMUNITY. A CONDITIONAL USE PERMIT IS REQUESTED FOR A “GREEN PARKING EXEMPTION”. THE PROPERTY, IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 764-12-006, IS LOCATED AT 17965 MONTEREY ROAD (FIRST COMMUNITY HOUSING, OWNER).

Recommendation:

1. Open/close the public hearing; and,
2. Adopt a Resolution approving a Design Permit, and Conditional Use Permit for a green parking exception.

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 26, 2021 7:00 pm

Virtual Meeting

CALL TO ORDER

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

ROLL CALL ATTENDANCE

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 7:00 p.m.

PLEDGE OF ALLEGIANCE

Planning Commissioner Gonzalez-Escoto led the Pledge of Allegiance at 7:01 p.m.

Minutes Acceptance: Minutes of Oct 26, 2021 7:00 PM (Consent Agenda)

OPEN PUBLIC COMMENT PERIOD

Chair Kumar opened the Open Public Comment Period at 7:01 p.m.

ORDERS OF THE DAY

No changes made.

MINUTES APPROVAL

1. APPROVE THE OCTOBER 12, 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. 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.

Principal Planner Gina Paolini presented the staff report at 7:04 p.m.

Chair Kumar opened the Public Hearing at 7:33 p.m. The following individuals addressed the Planning Commission:

- Jennifer Johnson
- Keith Labus
- Mark Schattinger
- DJ and Deirdre Harrison
- Rick Kent
- Dustin Parciasepe
- Kathy Sullivan
- Brian Sullivan
- Mark Gion
- Yuan and Jennifer Lee
- Tracy Harthun
- Jeff Thomas
- Jennifer Johnson
- Keith Labus
- Jonathan Emami

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

MOTION: Adopt a Resolution approving the Mitigated Negative Declaration and Monitoring Reporting Program.

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

MOTION: Adopted a Resolution approving the Design Permit, adding the installation of decorative iron fence, with an emergency egress/one way pedestrian gate along Taylor Avenue.

RESULT:	ADOPTED [4 TO 3]
MOVER:	Wayne Tanda, Planning Commissioner
SECONDER:	Liam Downey, Planning Commissioner
AYES:	Kumar, Mueller, Tanda, Downey
NAYS:	Gonzalez-Escoto, Habib, Munoz-Morris

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman made an announcement at 9:43 p.m.

ADJOURNMENT

There being no further business to discuss, Chair Kumar adjourned the meeting at 10:03 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

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, November 9, 2021 7:00 pm

Virtual Meeting

CALL TO ORDER

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

ROLL CALL ATTENDANCE

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

Minutes Acceptance: Minutes of Nov 9, 2021 7:00 PM (Consent Agenda)

OPEN PUBLIC COMMENT PERIOD

Chair Kumar opened the Public Comment Period 7:02 p.m.

ORDERS OF THE DAY

Planning Commissioner Munoz-Morris announced this would be his last meeting for the City of Morgan Hill and recused himself from the meeting. No other changes made to the Orders of the Day.

PUBLIC HEARINGS

1. AMENDMENTS TO THE INCLUSIONARY HOUSING ORDINANCE (IHO) AMENDING CHAPTER 14.04 (INCLUSIONARY HOUSING) AND SECTION 14.08.020 (FEE ESTABLISHED) OF CHAPTER 14.08 (IN-LIEU HOUSING FEES) OF TITLE 14 (HOUSING) AND REPEALING DUPLICATIVE AFFORDABLE HOUSING PROVISIONS IN CHAPTER 18.48 (AFFORDABLE HOUSING) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL

Recommendation:

1. Open/close public hearing; and,
2. Adopt Resolution recommending City Council approval of the Amendments to Chapter 14.04 (Housing) and Section 14.08.020 (Fee Established), and repealing Chapter 18.48 (Affordable Housing).

Housing Director Rebecca Garcia and Housing Program Manager Julius Nyanda presented the Staff Report at 7:09 p.m.

Chair Kumar opened the Public Hearing at 7:51 p.m.

- Rocke Garcia
- Joe Baranowski
- Kalisha Webster
- Dennis Martin

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

MOTION: Adopt a Resolution recommending City Council approve the Amendments.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Laura Gonzalez-Escoto, Vice-Chair
SECONDER:	Joseph Mueller, Planning Commissioner
AYES:	Kumar, Gonzalez-Escoto, Mueller, Tanda, Habib
EXCUSED:	Downey
RECUSED:	Munoz-Morris

2. A MUNICIPAL CODE TEXT AMENDMENT (ZA2021-0005) AMENDING SECTION 18.40.060 (STANDARDS FOR ALL HOUSING TYPES) OF CHAPTER 18.40 (ALTERNATIVE STANDARDS FOR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT) OF TITLE 18 (ZONING) TO REMOVE REFERENCES TO TRASH ENCLOSURE STANDARDS AND ENACTING ADDING SECTION 18.92.125 (REFUSE AND RECYCLING ENCLOSURES) OF TO CHAPTER 18.92 (SUPPLEMENTAL STANDARDS) TO INCLUDE NEW REFUSE AND RECYCLING ENCLOSURE STANDARDS

Recommendation:

1. Open/close the public hearing; and,
2. Adopt Resolution recommending City Council approval of the Zoning Text Amendment.

Senior Planner Tiffany Brown introduced Assistant City Manager Tony Eulo who gave a brief introduction to the item at 8:54 p.m. Senior Planner Tiffany Brown gave the presentation 8:56 p.m.

Chair Kumar opened Public Hearing at 9:04 p.m. Hearing no requests to speak, the Public Hearing was closed.

MOTION: Adopt a Resolution recommending City Council approve the Zoning Text Amendment.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Laura Gonzalez-Escoto, Vice-Chair
AYES:	Kumar, Gonzalez-Escoto, Mueller, Tanda, Habib
EXCUSED:	Downey
RECUSED:	Munoz-Morris

3. ZA2021-0002: MUNICIPAL CODE AMENDMENT AMENDING VARIOUS CODE PROVISIONS WITHIN THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL CORRECTING CROSS-REFERENCES TO VARIOUS CHAPTERS AND SECTIONS OF TITLE 18 (ZONING) AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES WITHIN TITLE 18 (ZONING); AND AMENDING SECTION 18.64.060 (GENERAL LANDSCAPE REQUIREMENT) OF CHAPTER 18.64 (LANDSCAPING) OF TITLE 18 (ZONING) TO ENHANCE WATER EFFICIENCY OF NEW LANDSCAPES

Recommendation:

1. Open/close the public hearing; and,
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

Principal Planner Adam Paszkowski presented the Staff Report 9:10 p.m.

Chair Kumar opened the Public Hearing at 9:18 p.m. Hearing no requests to speak, the Public Hearing was closed.

MOTION: Adopt a Resolution recommending City Council approve of the Zoning Amendment.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Joseph Mueller, Planning Commissioner
SECONDER:	Laura Gonzalez-Escoto, Vice-Chair
AYES:	Kumar, Gonzalez-Escoto, Mueller, Tanda, Habib
EXCUSED:	Downey
RECUSED:	Munoz-Morris

The Planning Commission meeting recessed at 9:18 p.m.

The Planning Commission meeting resumed at 9:20 p.m.

LEGAL BRIEFING

4. PARKING REQUIREMENTS FOR HOUSING PROJECTS

Assistant City Attorney Cynthia Hasson gave a presentation at 9:20 p.m.

Chair Kumar opened the Public Comment Period at 9:58 p.m. The following individual addressed the Planning Commission:

- Joe Baranowski

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

No action taken. The Planning Commission reviewed the item and had a discussion with Staff.

DIRECTOR'S REPORT/ANNOUNCEMENTS

Community Development Director Jennifer Carman made an announcement at 10:01 p.m.

ADJOURNMENT

There being no further business to discuss, Chair Kumar adjourned the meeting at 10:04 p.m.

MINUTES PREPARED BY:

Jenna Luna, Minutes Clerk

Minutes Acceptance: Minutes of Nov 9, 2021 7:00 PM (Consent Agenda)



PLANNING COMMISSION STAFF REPORT

MEETING DATE: November 23, 2021

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

SR2021-0005/UP2021-0006/EA2021-0005: MONTEREY – FIRST COMMUNITY HOUSING (MAGNOLIAS): DESIGN REVIEW PERMIT AND ENVIRONMENTAL ASSESSMENT FOR A 66-UNIT, MULTI-FAMILY AFFORDABLE RESIDENTIAL COMMUNITY. A CONDITIONAL USE PERMIT IS REQUESTED FOR A “GREEN PARKING EXEMPTION”. THE PROPERTY, IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 764-12-006, IS LOCATED AT 17965 MONTEREY ROAD (FIRST COMMUNITY HOUSING, OWNER).

RECOMMENDATION(S)

1. Open/close the public hearing; and,
2. Adopt a Resolution approving a Design Permit, and Conditional Use Permit for a green parking exception.

LOCATION MAP



PROJECT SUMMARY

1. Location: 17965 Monterey Road
APN 764-12-006
2. Site Area: 1.5-acres
3. General Plan: Mixed Use Flex
4. Zoning: Mixed Use Flex (MUF)

BACKGROUND

On February 23, 2021, First Community Housing (FCH) submitted an application for a Design Permit for a 66-unit, multi-family affordable residential community and a Conditional Use Permit for a “Green Parking Exemption” to allow reduced parking lot landscaping when solar panels are provided.

Required Permits

The property is located in the MU-F Zoning District within Block 6 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 Sections 65915-65918.

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

Density Bonus

When a project seeks a density bonus for a housing development in accordance with Government Code Section 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. The maximum density bonus for 100 percent affordable project (not within a ½ mile from a transit station) is 80 percent. The maximum number of concessions that can be received is four.

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 or waivers are required to be approved by the City, there is an almost unachievable threshold for a municipality to deny these requests.

On April 21, 2021, the City Council adopted Resolution No. 21-017 (Attachment 2), granting an 80 percent density bonus for the site and four concessions for the proposed project:

1. Design Standard No. 26- Exterior Treatments and Materials: The Residential Development Design and Development Standards require projects to provide a minimum of two materials on any one building façade, and that any one material must comprise at least 20 percent of the façade. The project cannot comply with this requirement and is using variations in color and surface orientation to provide cost-effective visual breaks in the building.
2. Design Standard No. 30- Building Colors: The Residential Development Design and Development Standards limit the number of colors appearing on any building exterior to no more than four. The project proposes a color scheme of three colors of various tones, and one neutral light gray, for a total of nine total proposed individual colors.
3. Design Standard No. 31- Window Design: The Residential Development Design and Development Standards require window recesses; trim and other window elements be designed to be substantial in depth to create shadows. The design proposal provides a trim-less window detailing, which is consistent with the architectural style.
4. Design Standard No. 39- Multi-family Roof Form: The Residential Development Design and Development Standards require the roof element of the multi-family project be designed such that no more than two side-by-side units are covered by one unarticulated roof. The proposed design reflects contemporary design without the use of more traditional roof types (such as gable, hip, shed, etc.). To take advantage of the modular building techniques used, a flat roof with parapets has been selected.

The County of Santa Clara Board of Supervisors (BOS) will consider Measure A funding for the project in January. Assuming the project receives the necessary approvals and gap financing, the project will qualify for Tax Credits.

PROJECT DESCRIPTION

The proposed project consists of a 66-unit, multi-family affordable residential community. The 89,000 square foot building would include 16 studio units, 16 one-bedroom units, 17 two-bedroom units, and 17 three-bedroom units. The building would be 68 feet in height. Four floors would be designated for residential use, and the ground floor would contain an entry plaza, office suite, bike storage room, clubhouse, laundry room, pet wash station, storage, and maintenance facilities. Level five would include two unenclosed roof decks. Site amenities include a garden/recreation area, half-court basketball and recreation area, and playground.

The unit mix has changed since the initial application due to FCH's funding sources. The following is the proposed unit mix:

- a. Twenty-five percent rapid rehousing (RRH) (10 units) and permanent supportive housing (PSH) (7 units);
- b. Twenty-five percent extremely low-income units (families earning up to 30% Area Median Income (AMI)) (17 units);
- c. Fifty percent reserved for very low-income households earning up to 50 percent AMI (31 units); and,
- d. One unit reserved for on-site manager.

The seven PSH units and ten of the ELI units will serve veterans.

The applicant has requested waivers and reductions to development standards that include a waiver to Design Standard No. 12 Trees, reducing the number of replacement trees onsite, a 23-foot increase in building height to 68 feet (45 feet allowed), increase in Floor Area Ratio, and reduced setback along Monterey Road. Waivers are automatically allowed if they are necessary to achieve the full density allowed pursuant to State Density Bonus Law

Detailed project plans, project narrative and updated project information has been provided (Attachments 3, 4, 5).

Surrounding Zoning/Land Use

The project site is surrounded by a mobile home park, an auto service shop, and self-storage facility to the north; single-family residences to the northeast, west, and southwest; an adult education school and UPRR tracks to the east; and an auto service shop and apartment complex to the south.

ANALYSIS

The proposed project has been analyzed with respect to consistency with the: 1) Design Permit Requirements, 2) Conditional Use Permit, and 3) 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 structure with a building height greater than forty feet 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 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. 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). The proposed project would include multi-family residential uses at a density of 44 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 (with the exception of the incentives/concessions granted and waivers proposed) and have been developed consistent with the Morgan Hill 2035 General Plan. The applicant's compliance checklist has been provided (Attachment 6).

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 a contemporary architectural style with a focus towards environmental sustainability.

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

The Mixed-Use Flex land use 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 66-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 located 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 fiber cement panel (or cementitious plaster), concrete and wood lattice. 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 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.

Bike lanes are located along Monterey Road, Main Avenue, and Cochrane Road. The project will provide 24 short-term and 80 long-term bicycle parking spaces. The long-term parking spaces will be located within an enclosed room and will include a bike repair station and biker lounge.

Housing Element

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

The project is 100 percent affordable, generating 66 multi-family units. Twenty-five percent of the units are planned to be a combination of PSH and RRH units. Santa Clara County would provide rental subsidies and case management services for these units. Twenty-five percent of the units are planned for ELI families, and the remaining 50 percent of units would be targeted to families earning up to 50 percent AMI. FCH anticipates the project financing will include Santa Clara County Measure A funds, Veterans Housing and Homelessness Prevention Funding and Tax Credit Funding.

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 zone district. Zoning consistency is demonstrated in the following table:

Table 1.1 MU-F Zone District Compliance

Development Standard	MU-F	Proposed
Minimum Lot Size	6,000 Square Feet	1.5 acres
Minimum Lot Dimensions	60- feet width 100-feet depth	Exceeds requirement
Maximum Building Coverage	50 percent	28 percent
Maximum Building Height	45 feet (10 feet devoted to roof element)	68 feet – Design Waiver
Floor Area Ratio	0.5	1.4 – Design Waiver
Setbacks		
Front	15 feet	10 feet – Design Waiver
Rear	20 feet	Approx. 132 feet
Interior Side	5 feet	49 feet/23 feet
Street Side	10 feet	N/A

Parking

In accordance with State Density Bonus requirements (Government Code Section 65915(p)(4)), if the project consists solely of rental units, exclusive of a manager's unit,

with an affordable housing cost to lower income families and the development is for a supportive housing, the City cannot impose a minimum vehicular parking requirement-meaning the project would not have to provide any parking for the portion of the project that is providing supportive housing. FCH has provided 67 onsite parking spaces for the remaining units. Seven spaces would be EV-charging stations in accordance with Morgan Hill Municipal Code Section 18.72.040 and five spaces will be Americans with Disabilities (ADA)-compliant. FCH has dedicated as much of the property as possible to parking in order to mitigate the effects of additional cars to the surrounding community, while maintaining the desired density.

FCH has a [GreenTRIP-certified](#) portfolio for their extensive efforts to provide alternative modes of transit for all their residents. In Santa Clara County, including this property, this includes free VTA passes for every resident in the building. They also partner with local bicycle advocacy groups to provide bike workshops, in addition to providing the extensive onsite bicycle parking.

FCH has found that their residents drive far less than the average population, and own fewer cars. [TransFORM](#) has data to support this. It is unusual for a unit to have multiple cars, and residents often give up cars when living in a FCH community because of the alternative transit options provided.

Landscaping

According to the Tree Report prepared for the project a total of 54 trees are located on the project site, 19 of which are protected by the City's Tree Ordinance. Eight of the protected trees are indigenous trees, and the remaining 11 are non-indigenous trees.

The project would require the removal of all on-site trees. Typically, the City requires the replacement of significant trees at a 2:1 ratio. For the proposed project, a total of 19 significant trees are proposed to be removed and, therefore, at the 2:1 replacement ratio, 36 new trees would be required. However, satisfaction of the 2:1 replacement ratio is not feasible for the proposed project. The current proposal provides 20 new trees on site, six new trees in the median, and two new trees in the park strip, for a project-wide total of 28 new trees.

Anticipating removal of all existing trees, a landscape plan has been proposed (Attachment 7) consistent with Section 18.64.050 of the City's Municipal Code. The proposed project would include the planting of various trees, shrubs, and ground cover along the site perimeter and near the proposed parking areas. All plants have been selected based on their climactic origin and are classified as having low water needs. Landscaping would also be provided on Level 5 and the roof and would include terrace planters and a green eco roof.

In addition, as part of the proposed project, a continuous six-foot-tall concrete masonry wall would extend along the north, south, and west property lines. Along the concrete masonry wall, design features, such as wood-lock trellis, concrete benches, planters, and barbeque grills would be provided.

Design Waiver

Separate from the concession approved by the City Council, FCH has requested waivers to the following development standards:

1. Height: The maximum height requirement for development in MU-F sites is 45 feet, with 10 feet devoted to a roof element. The proposed project includes a maximum height of 68 feet.

The implementation of the height limitation would physically preclude the construction of the development at the density allowed by State Density Bonus Law.

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 1.4.

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

3. Design Standard No. 12- Trees: The project has identified all the trees to be removed but is not providing the required 2:1 replanting ratio.

As previously stated in the Landscape Section, the proposal provides 20 new trees on site, six new trees in the median, and two new trees in the park strip, for a total of 28 trees. Providing the required 36 trees within the lot would be physically infeasible without removing required amenities and reducing the density of the project.

4. Monterey Road Setback: The minimum front setback is 15 feet. The project is providing a 10-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 the building.

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 Design Standard No. 26 (Exterior Treatments and Materials), Design Standard No. 30 (Building Colors), Design Standard No. 31 (Window Design), and Design Standard No. 39 (Multi-family roof form) 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 four 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 (IS) 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. Each of the criteria below must be reviewed based on objective criteria only. Development standards, conditions, and policies are required to be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

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. Although the building is taller than most in Morgan Hill, the building masses have been strategically broken up to diminish the relative size. Exterior stairways, open-air hallways with projecting balconies, glassy lobbies, and step-downs of the massing at the East and West to roof top terraces provide breaks in the massing. Diminishing the scale in this way allows the building read as if it were multiple, smaller buildings. The level of architectural design is maintained on all facades of the development.

Perspective- Aerial View along Monterey Road



2. **Neighborhood Compatibility.** The project has been designed to respect and complement the adjacent residential neighborhood to the extent possible while still achieving the density allowed by State Density Bonus Law. 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. This project will be a prominent presence in the neighborhood, due to its relative size. As stated in their project narrative, FCH has taken on the challenge to create a project that contributes to fabric of Morgan Hill in a positive, beautiful, and harmonious way. The project utilizes multiple architectural strategies to reduce the impact on neighboring properties.

Perspective- View Monterey Road Looking North



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 provided. The project site will be gated and security guards may be onsite (dependent on the population served). FCH will work closely with the Morgan Hill Police Department during and after construction to provide recommended safety features.
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 Neighboring Property looking South



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 plaster or fiber cement panels, painted

perforated metal, steel plate solar shade, board formed concrete columns, wood-look trellis, fence, gate, and canopy system.

Although the elevations appear to have a white primary color, the actual primary field color is a light gray, with other colors used primarily as accent or secondary colors. No more than four secondary, plus the primary color is used on any individual building façade.

North Elevation

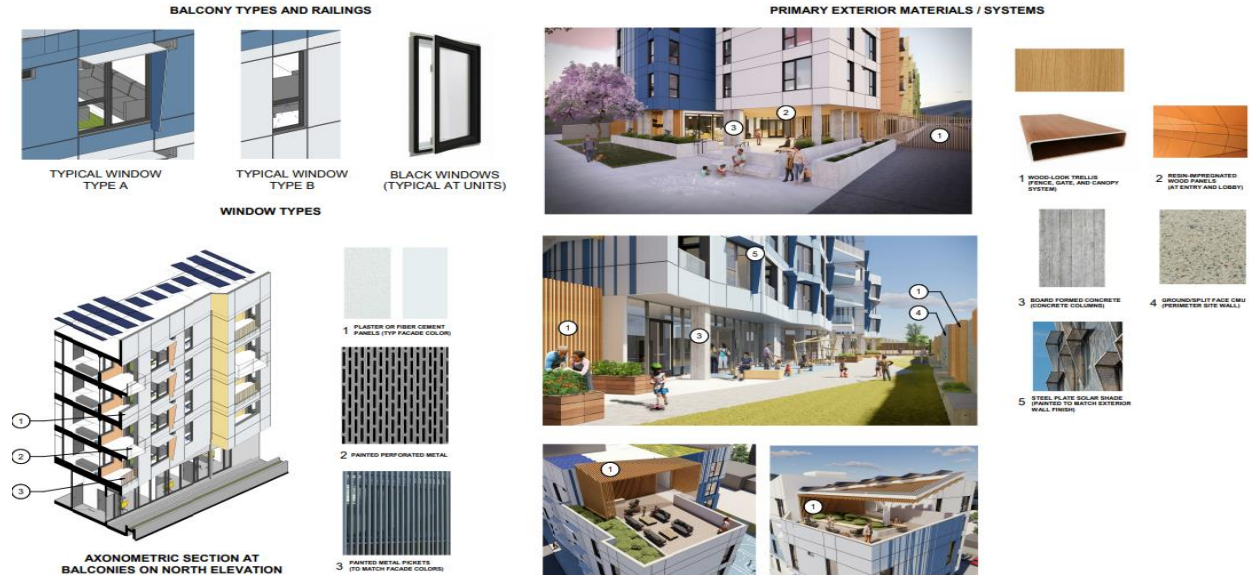


South Elevation



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



10. **Parking and Access.** Parking areas are located and designed to minimize visual impacts and support a pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclist throughout the development.
11. **Landscaping.** The proposed landscape planting provides new trees, screen planting and raised garden beds 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 15,510 square feet of common open space, consisting of half-court basketball court, passive recreation areas and gardens and play area. In addition, the proposed project would include park benches, two cabana/shade trellises and a clubhouse with community kitchen. The building code requires 42 inch in height guardrails above the finished floor on terraces, similar to balconies. The permanent seating will be setback from the parapet to also encourage safety at the upper- level public spaces.

Eastern Roof Terrace/Garden and Canopy



Western Roof Terrace/Garden and Canopy



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

14. **Lighting.** A detailed photometric plan has been provided (Attachment 8). Exterior building areas, common open space and parking areas 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 will include photovoltaic canopies above selected parking spaces.
16. **Mechanical Equipment, Trash Receptacles, and Utilities.** Trash receptacles will be contained within the building 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.

2. **Conditional Use Permit**

Although a Conditional Use Permit is not required for the residential use, a Conditional Use Permit may be requested to allow for reduced parking lot landscaping. Section 18.72.070.H of the Morgan Hill Municipal allows for reduced parking lot landscaping requirements when solar panels are provided through a “Green Parking Exemption” with the approval of a Conditional Use Permit. Because the parking lot would incorporate photovoltaic canopies (solar panels) and bioswales, the project is eligible for reduced parking lot landscaping requirements with the approval of a Conditional Use Permit. FCH has requested a Conditional Use Permit because they are unable to satisfy the parking lot landscape requirements.

Parking lots providing over 60 spaces require a 20 percent dedication of area to landscaping. The project has a total parking area of 26,056 square feet; therefore, 5,212 square feet of landscaping is required. The project is providing 3,370 square feet of landscaping and 2,899 square feet dedicated for bioswale. The project has provided the maximum landscaping feasible on site without reducing parking spaces or reducing the density of the project.

Findings

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

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

canopies are provided.

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

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

The project is subject to the California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11). The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The CALGreen Code requires some single-family and low-rise residential development developed after January 1, 2020, to include solar energy systems capable of producing 100 percent of the electricity demand created by the residence(s). The project is implementing CALGreen requirements with the installation of photovoltaic canopies. Landscaping will be provided throughout the site; however, the required shade trees will be reduced directly adjacent to the carports where it would negatively impact solar generation, requiring the "Green Parking Exemption" through the issuance of a Conditional Use Permit.

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

The multi-family development, with photovoltaic canopies is an allowed use. New landscaping will include trees, screen planting, and garden planters that will enhance the surrounding area and are appropriate to the site.

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

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

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

The "Green Parking Exemption" which would allow a reduced shade tree requirement directly adjacent to the photovoltaic canopies would not adversely affect the public

health, safety, and welfare of persons residing within the development. The project development will be providing ample landscaping throughout the site.

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

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

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

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

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

An Initial Study (IS) (Attachment 9) 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 and evaluates all potential impacts. Based upon the analysis, it has been determined the proposed project qualifies for exemption pursuant to CEQA Guidelines Section 15332, Class 32 (In-fill development).

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 and Conditional Use Permit subject to the Conditions of Approval.

COMMUNITY ENGAGEMENT

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

At the time of publishing this report, FCH provided notice to the neighboring community that they would be holding a virtual meeting on November 18, 2021, to share information on the proposed project. The meeting was to be held in English and Spanish.

LINKS/ATTACHMENTS:

1. PC Resolution Project Decision
2. Resolution No. 21-017 Density Bonus for SR2021-0005 Monterey-First Community Housing (Magnolias)

3. Site Development Plans (Weblink)
4. Project Narrative
5. Project Supplemental Information
6. Development Design and Development Standards Compliance Checklist
7. Landscape Plans (Weblink)
8. Photometric Plan
9. Initial Study (Weblink)

RESOLUTION NO. 21-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A DESIGN PERMIT FOR A 66-UNIT, MULTI-FAMILY AFFORDABLE RESIDENTIAL COMMUNITY AND A CONDITIONAL USE PERMIT FOR A “GREEN PARKING EXEMPTION” FOR PROPERTY LOCATED AT 17965 MONTEREY ROAD FOR MONTEREY-FIRST COMMUNITY HOUSING (MAGNOLIAS) (APN 764-12-006)

WHEREAS, on February 23, 2021, First Community Housing submitted an application for a Design Permit for a 66-unit, multi-family affordable residential community and a Conditional Use Permit for a “Green Parking Exemption to allow reduced parking lot landscaping when solar panels are provided (SR2021-0005/UP2021-0006/EA2021-0005: Monterey-First Community Housing (Magnolias)); and

WHEREAS, such requests were considered by the Planning Commission at its meeting of November 23, 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; and

WHEREAS, the project was found to be exempt from CEQA pursuant to CEQA Guidelines Section 15332, Class 32 (In-fill development); 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 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 for the Monterey-First Community Housing Project (Planning File No's. SR2021-0005/UP2021-0006/EA2021-0005: Monterey-First Community Housing (Magnolias)) 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 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. 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). The proposed project would include multi-family residential uses at a density of 44 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.

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.

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 was granted four density bonus design concessions by the City Council (Resolution No. 21-017) on April 21, 2021. 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, tree replacement and setbacks along Monterey Road.

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

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

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

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

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

The project is subject to the California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11). The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The CALGreen Code requires some single-family and low-rise residential development developed after January 1, 2020, to include solar energy systems capable of producing 100 percent of the electricity demand created by the residence(s). The project is implementing CALGreen requirements with the installation of solar panels. Landscaping will be provided throughout the site; however, the required shade trees will be reduced directly adjacent to the carports where it would negatively impact solar

generation, requiring the “Green Parking Exemption” through the issuance of a Conditional Use Permit.

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

The multi-family development, with photovoltaic canopies is an allowed use. New landscaping will include trees, screen planting, and garden planters that will enhance the surrounding area and are appropriate to the site.

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

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

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

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

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

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

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

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

SECTION 5. The Planning Commission approves SR2021-0005/UP2021-0006/EA2021-0005: Monterey-First Community Housing (Magnolias). This permit 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.

City of Morgan Hill
 Resolution No. 21-17
 Page 5 of 32

PASSED AND ADOPTED THIS 23rd DAY OF NOVEMBER 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: SR2021-0005/UP2021-0006/EA2021-0005: Monterey-First Community Housing (Magnolias)

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 66-unit, multi-family affordable residential community. The 89,000 square foot building would include 16 studio units, 16 one-bedroom units, 17 two-bedroom units, and 17 three-bedroom units. The building would be 68 feet in height. Four floors would be designated for residential use, and the ground floor would contain an entry plaza, office suite, bike storage room, clubhouse, laundry room, pet wash station, storage, and maintenance facilities. Level five would include two unenclosed roof decks. Site amenities include a garden/recreation area, half-court basketball and recreation area, and playground.

Concessions/Design Waivers

1. Design Standard No. 26- Exterior Treatments and Materials: The Residential Development Design and Development Standards require projects to provide a minimum of two materials on any one building façade, and that any one material must comprise at least 20 percent of the façade. The project is using variations in color and surface orientation to provide cost-effective visual breaks to help break down the scale of the building.
2. Design Standard No. 30- Building Colors: The Residential Development Design and Development Standards limit the number of colors appearing on any building exterior to no more than four. The project is providing three colors of various tones, and one neutral light gray, for a total of nine total individual colors.
3. Design Standard No. 31- Window Design: The Residential Development Design and Development Standards require window recesses, trim and other window elements. The design provides a trim-less window detailing.

4. Design Standard No. 39- Multi-family Roof Form: The Residential Development Design and Development Standards require the roof element of the multi-family project be designed such that no more than two side-by-side units are covered by one unarticulated roof. To take advantage of the modular building techniques to be used, a flat roof with parapets has been selected.
5. Height: The maximum height requirement for development in MU-F sites is 45 feet, with 10 feet devoted to a roof element. The project includes a maximum height of 68 feet.
6. Floor Area Ratio: The maximum FAR for project sites zoned MU-F in the City is 0.5. The FAR on the site will be 1.4.
7. Design Standard No. 12- Trees: The project is not providing the required 2:1 replanting ratio.
8. Monterey Road Setback: The minimum front setback is 15 feet. The project is providing a 10-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 SR2021-0005
- B. Conditional Use Permit UP2021-0006
- C. Environmental Assessment EA2021-0005

II. PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set date stamped April 19, 2021 (File Number SR2021-0005) on file 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. **Indemnification:** 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 November 23, 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 SERA Design plans dated April 19, 2021 (SR2021-

0005) 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. **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, subject to the Green Parking Exemption granted by this Conditional Use Permit, allowing reduced parking lot landscaping to accommodate the photovoltaic canopies and bioswales.
1. **Interior Landscaping.** All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. 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. With the Green Parking Exemption granted by this Conditional Use Permit, the project shall provide 3,370 square feet of landscaping and 2,899 square feet dedicated for bioswale.
 2. **Shade Trees.**
 - a. Shade trees shall be a minimum twenty-four-inch box in size and shall provide a minimum thirty-foot canopy at maturity.
 - b. 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.
 - c. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21. The arrangement should approximate nearly fifty percent shade coverage.
 3. **Concrete Curbs.**
 - a. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of six inches high by four inches deep.
 - b. The city may approve alternatives to raised concrete curbs as

needed to comply with any mandatory stormwater drainage standards.

4. **Parking Space Landscaping.** A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.
 5. **Timing.** Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.
 6. **Green Parking Exemptions.** The project has incorporated solar panels, bioswales, and other similar green features not otherwise required by post construction stormwater requirements and is eligible for reduced parking lot landscaping requirements, and a Conditional Use Permit has been granted to allow a reduction in parking lot landscaping requirements as detailed in the project landscape plans.
- 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.

BIOLOGICAL RESOURCES

- A. **Preconstruction Survey:** 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.

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.

B. **Management Plan:** The project applicant shall prepare, and include on all site development and grading plans, a management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project. Pursuant to Section 18.76.040 (Air contaminants) of the City's Municipal Code, the management plan shall include all applicable BAAQMD rules and regulations, as well as the City's standard conditions for construction activities. The City of Morgan Hill Development Services Department would ensure that all conditions are noted on project construction drawings prior to issuance of a building permit or approval of improvement plans.

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. 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.

- B. **Windows:** To comply with the General Plan's interior noise level criteria including a factor of safety, the windows shall be upgraded to the minimum STC rating indicated in the Bollard Acoustical Consultants report dated September 21, 2021 (Figures 4 and 5). Figure 4 shows the locations and associated STC ratings needed for bedroom windows. Figure 5 illustrates the locations and associated STC ratings required for all other habitable room windows.
- C. **Air Conditioning:** Mechanical ventilation (air conditioning) shall be provided to all residences of the development to allow the occupants to close doors and windows as desired for additional acoustical isolation.
- D. **Disclosure:** Disclosure statements shall be provided to all prospective residents of this development notifying them of elevated noise levels during railroad passages, particularly during nighttime operations and periods of warning horn usage.
- E. **Generator:** The emergency standby generator model ultimately selected for installation within the proposed fenced enclosure shall not exceed an overall sound level of 50 dB at a distance of 23 feet. Due to the power requirements of the development and the proximity of adjacent property lines, the selected generator may need to be equipped with a custom engineered acoustical enclosure to reduce equipment sound levels to 50 dB (or less) at a distance of 23 feet.

GEOLOGY AND SOILS

- A. **Geotechnical Compliance:** 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 are properly incorporated and utilized in the project design.

HAZARDS AND HAZARDOUS MATERIALS

- A. **Asbestos and Lead Risk Assessment:** 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.

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.

ENGINEERING DIVISION

PROJECT SPECIFIC

- A. **Flood:** Zone AE, Elevation 355.0' North American Vertical Datum of 1988 (NAVD88)
1. The project submitted a Final Flood Plain Study prepared by MH Engineering shown with revision date of 6/4/2021. Santa Clara Valley Water District (Valley Water) reviewed the Final Flood Plain Study ("Flood Study") and the project's updated HEC-RAS model. Land Development Engineering accepts Valley Water's conclusion that the project's Flood Study sufficiently demonstrates that there will be no increase in the lateral extent of flooding along West Little Llagas Creek, or any foreseeable impacts to the floodplain due to the proposed

- development. The flood elevation of 355.0' NAVD88, upstream of the building line per the Flood Study, will be used as the project's design base flood elevation.
2. Elevate the lowest floor of the new residential building a minimum of one foot above 355.0' NAVD88 (minimum finish floor elevation of 356.0' NAVD88).
 3. At building permit stage, submit an Elevation Certificate (FEMA Form 086-0-33) for the proposed structure, based on construction drawings. Consequently, an Elevation Certificate based on finished construction is required prior to building final/occupancy.
 4. Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities shall be elevated at a minimum elevation of 356.0' NAVD88.
- B. **Stormwater Infrastructure/Stormwater Management:** The project is required to comply with the requirements of the California Regional Water Quality Control Board Central Coast Region (Region 3) Resolution No. R3-2013-0032 as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements ("Stormwater Guidance Manual").
1. At improvement plan/building permit stage, the project shall address the following:
 - a. The Stormwater Control Plan and Operation & Maintenance (SWCP) report shall match the City standard format.
 - b. Provide the infiltration test results as an attachment to the SWCP report.
 - c. Provide confirmation that the drawdown time for the proposed underground storage system will drain within 72 hours and a multiplier of 1.2 was applied to the required retention volume if the drawdown exceeds 48 hours since the system was sized using a routing method. Refer to Section 3a of Attachment D from the Stormwater Management Guidance Manual.
 - d. Provide a detail for the proposed permeable pavement.
 - e. Perforated pipes are proposed along and near the northerly and southerly property lines. Since the pipes will function as underground infiltration systems, provide confirmation from the project's geotechnical engineer that the proximity of the perforated pipes to the property lines are acceptable and that any subsurface lateral movement can be accommodated and will not impact adjacent buildings or neighboring properties.
 - f. The four 12"x12" drop inlets proposed along the southerly property shall have filter bag inserts or other pretreatment structures.
 - g. Include details on the stormwater control facilities including invert elevations, depths of gravel, soil, etc., and the invert elevations of inlet and outlets.

- h. Provide a detail of the outlet structure used for peak flow control and identify the location of the outlet on the Drainage Management Area (DMA) map.
 - i. The project's final SWCP shall include the following:
 - i A thorough and explicit discussion on the concern with groundwater separation. Project's civil engineer shall determine whether Technical Infeasibility will be pursued.
 - ii Completed Maintenance Agreement
 - iii Completed Operation and Maintenance Plan
 - iv Contact information for the owner of facilities responsible for conducting Operation and Maintenance Plan
 - 2. Other options for stormwater treatment of the project's offsite improvements shall be determined at improvement plan/building permit stage.
- C. **Landscape Median:** The applicant shall install a raised landscape median on Monterey Road, for that portion covering the project frontage per City's General Plan, up to the existing landscape median south of the project site.
- 1. The proposed landscaping for the new raised median island shall comply with the City's Median Design Guidelines and shall be reviewed in detail at improvement plan stage.
- D. **Street Improvements**
- 1. Undergrounding: The project shall underground the following overhead utilities and locate it underneath the sidewalk:
 - a. The existing overhead utilities along the project's Monterey Road frontage; and
 - b. Remainder of the existing overhead utility lines located to the south of the project. The City shall reimburse the developer's cost to underground this segment through the project's Improvement Agreement or a separate reimbursement agreement.
 - 2. At building permit stage, the pavement section design of Monterey Road shall be verified based on actual field conditions (arterial street standard TI=8 and true R value).
 - 3. Detailed review of the proposed street improvements, including Broadband design, will be performed at the improvement plan/building permit stage.

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 prior to grading/building permit issuance. (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. **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)
- B. **Underground Existing Utilities:** All existing overhead utilities adjacent to any site boundary or along any street frontage of site shall be placed underground in accordance with City standards and affected utility company guidelines. (MHMC 12.02.090 B; 17.32.020 E.1)
- C. **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 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 project. **(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
- F. **As-Built Submittal Standards:** The developer shall submit digital as-builts of the project's Grading Plan and Improvement Plans which adhere to the City's updated GIS/CAD Developer Submittal Standards.

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** - 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 developer shall 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), an owners’ or homeowners’ association 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 Environmental Services.

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.
- D. **Demolition Permit:** A separate building permit shall be required for the demolition of existing structures.

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. **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)**

- C. **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)**
- D. **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)**

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.

ENVIRONMENTAL SERVICES

- A. A Soils Management Report shall be prepared prior to submitting a building permit application and the results of the report are to be used to finalize the irrigation design and soil amendment plan.

HOUSING DIVISION

- A. The project applicant shall sign and record a City of Morgan Hill Density Bonus Affordable Housing Agreement prior to Building Permit issuance.

RESOLUTION NO. 21-017**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL GRANTING AN 80 PERCENT DENSITY BONUS AND FOUR CONCESSIONS FOR MONTEREY – FIRST COMMUNITY HOUSING (MAGNOLIAS) FOR A 66-UNIT AFFORDABLE HOUSING DEVELOPMENT TO BE LOCATED ALONG MONTEREY ROAD EAST OF THE MORGAN HILL COMMUNITY ADULT SCHOOL (APN: 764-12-006).**

WHEREAS, First Community Housing has requested an 80 percent density bonus and four affordable housing concessions to the Residential Development Design and Development Standards including Design Standard No. 26 (Exterior Treatments and Materials), Design Standard No. 30 (Building Colors), Design Standard No. 31 (Window Design) and Design Standard No. 39 (Multi-family Roof Form).

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-First Community Housing (Magnolias) project to be located along Monterey Road, east of the Morgan Hill Community Adult School and identified by Assessor's Parcel Number 76-12-006 will provide a public benefit of 100 percent affordable housing and will be deed restricted for 55 years, or the density bonus and four concessions granted to Design Standard No. 26 (Exterior Treatments and Materials), Design Standard No. 30 (Building Colors), Design Standard No. 31 (Window Design) and Design Standard No. 39 (Multi-family Roof Form) will become null and void.

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

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

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

Section 3. The City Council of the City of Morgan Hill hereby grants the density bonus and the four concessions for the Monterey-First Community Housing (Magnolias) project.

City of Morgan Hill
Resolution No. 21-017
Page 2 of 2

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Morgan Hill at 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
02EAF5B057884E7...

RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:
Michelle Bigelow
C0FCB7EADA76468...

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.21-017, 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
C0ECB7EAB7C4C8...

MICHELLE BIGELOW, City Clerk

The Magnolias – Project Narrative



Date 2021.02.10
Project Name The Magnolias
Project Number 1903082
Attention Gina Paolini, City of Morgan Hill

Subject Project Narrative

The Magnolias – SB330 Project Narrative

Part I. - The Magnolias - Project Description

A. Project Site

The 1.5 acre site is located at 17965 Monterey Street in Morgan Hill (APN 764-12-006), a 6-minute drive after exiting US-101. Just north of Downtown Morgan Hill, the site, zoned MU-F, sits in a mixed-use but mostly residential, developing neighborhood. There are small vacant structures that will be demolished, and minor grading will be required due to flood plain requirements.

Two grocery stores are located within 1 mile of the site; Morgan Hill Community Adult School is across the street; Walgreens is 1.5 miles away; and Morgan Hill Library and City offices are less than a mile away. The Hale & Hillwood bus stop is a half mile away with service by bus route 68 between Gilroy and San Jose, which has a frequency of 15 minutes during commute times. The Morgan Hill Caltrain station is 0.6 mile away, with weekday commute service to and from San Francisco.

B. Population Served

First Community Housing (FCH) plans to build 66 units of multifamily housing for households earning 30% to 60% AMI. Currently, the project consists of 16 studios, 16 one-bedroom units, 17 two-bedroom units, and 17 three-bedroom units. One three-bedroom unit will be reserved for on-site staff. Half of the project units are planned to be a combination of permanent supportive housing (PSH) and rapid rehousing (RRH) units, restricted for households at 30% AMI, and for which the County will provide rental subsidies and case management services. The remaining 50% of units would target families earning up to 60% AMI.

C. Building Description

The project is anticipated to be five stories. The building will be employing modular construction. Common areas will include the Property Management and Social Service Coordinator's offices, open lounge/seating areas, a central laundry facility, indoor and outdoor play spaces for kids of all ages, secured bicycle storage, and a community garden area. Parking will be provided at a rate of 1 space per unit in a surface lot behind the building. FCH also plans to include pet relieving and washing areas on the property. The project consists of the ground-up construction and development of a 66 unit affordable housing project at the site of 17965 Monterey Rd, Morgan Hill, CA 95037. This work includes the architectural design, landscape design, civil design, structural design, and MEP/FP design of all elements of the building and site for an assumed construction cost that is yet to be confirmed.

The building consists of a Type IA ground floor housing on-site amenities such as community rooms, bike parking and administrative offices, and 4 levels of housing units of Type VA construction above. Level 5 also has two amenity unenclosed roof decks for tenant use.

Upper level construction is intended to be completed in a modular manner offsite at a local special modular manufacturing plant. The modular scope is to be performed by the Modular Builder, which has a

design assist contract with the Owner, and a supplier contract with the General Contractor. SERA, under its contract with the Owner has agreed to perform design work for the housing unit sector of the scope (the portions of the building above the Type 1A podium) in accordance with the limitations of the Modular Builder's system.

Parking: 67 stalls at ground level.

Areas:

Level 1: 15,960 SF

Levels 2-5: 73,840

Total: 89,800

Lot re-grading, storm water mitigation, and floodplain design is carefully considered to keep the project safe and to avoid spillage to adjacent properties.

D. Applicant Description

FCH is a recognized leader in creating highly sustainable, affordable housing and like FCH's other new construction projects, this development will be designed as a LEED Platinum project. In addition to sustainable building strategies such as selecting healthy building materials, incorporating water and energy efficient measures, and providing each household with free Eco Passes, FCH will seek out innovative new technologies to showcase in this signature building.

Part II – Design

The design development of the project is driven primarily by three design imperatives:

Design Charter:

1. Provide Positive Vision of Community
2. Express Habitation and Diversity
3. Express Identity in Environmental Responsibility

Inside and out, all decisions are driven and checked against this Design Charter with the intent on providing high-quality, beautiful, affordable place to live to a historically under-served population. At the same time the project must prove to be an asset and enhancement to the City of Morgan Hill.

It is difficult for a population to develop a sense of identity with their home, just as it is difficult for a community to identify with their City, if that place does not have its own sense of identity. Inhabitants should feel they have a level of ownership and responsibility for that place. They should feel that their city, and their habitation represents a portion of their own identity. The Magnolias is designed so that tenants can identify their own units from a distance by presenting unique features such as differing balcony treatments, window treatments, or different color accents. The unique, yet harmonious identity of the development within the context of the City should be a source of pride to the families calling it home.

Environmental sustainability is a prime factor in all projects by First Community Housing. Leading by example, The Magnolias seeks to illustrate and educate the basic lesson that sustainability can be beautiful. From its early inception, the project has based every decision on the question of environmental impact. The building roof is vegetated to mitigate the urban heat island effect and to pre-treat rainwater runoff. Large, prominent PV arrays display the aspirations of renewable energy. Several Electric Vehicle charging stations support the effort towards a future with clean energy. Material selections prioritize long-lasting, high-quality, healthy, sustainably resourced, options over first-cost considerations. Invisible to the naked eye, but just as important, the building's mechanical, electrical, and plumbing systems are designed for the highest-efficiency, lowest power and water consumption, longest life cycle possible. Reduction in consumption is still the most effective strategy in mitigating ecological degradation and global warming.

Positive vision of community starts with being a good neighbor, and a providing positive influence on the municipal culture. It is no doubt that this project will be a prominent presence in the neighborhood, due to its relative size alone. The challenge is to create something which contributes to fabric of Morgan Hill in a

positive, beautiful, and harmonious way. Towards this end, The Magnolias has utilized multiple architectural strategies resulting in a proposal Morgan Hill will find to be an asset to the City for decades to come. The primary inspiration for the project comes directly from the natural beauty of the Santa Clara Valley. The exterior undulations of the facades are meant to convey the natural mountainous formations nearby, including the El Toro, which is visible from this site.. The color palette along this façade is also inspired by El Toro, as its grasses change colors across the changes in the seasons. The south-side forms are inspired by the dynamic mountain water habitats of the local ecology, especially the waterfalls and creeks of Uvas Canyon. The rippling wave forms of the building offer a cool refreshing display for the arid hot months in Morgan Hill. All along the roof line, parapets vary in height and pitch to create an engaging, optimistic skyline that reflects the rippling streambed at the South façade, and the mountain ridges at the North facade. Building masses have been strategically broken up to diminish the relative size. Exterior stairways, open-air hallways with projecting balconies, glassy lobbies, and step-downs of the massing at the East and West to roof top terraces provide breaks in the massing. Diminishing the scale in this way allows the building read as if it were multiple, smaller buildings.

Positive vision of community also extends internally. The project is supportive housing for underserved family populations in the area. This project fosters and strengthens community by promoting support and stewardship of our fellow humans. Many on-site amenities are provided to tenants to encourage social bonds and strong community and family ties. The south-side yard provides sporting and play opportunities for all ages in a safe, stimulating environment. Padded play areas help keep tots safe, while the court provides half-court basketball, futsal, or other court sports. Community garden plots encourage agrarian education and supports the green thumbs. Community rooms provide opportunities for larger gatherings. The clubhouse contains a full demonstration kitchen for cooking classes, or simply to prep for the picnic. The open barbeque area rounds out the list of family-friendly necessities. In the front lobby, lounge areas are intermixed with free-access computers. The two generous Level 5 outdoor plazas look out over the beautiful Morgan Hill scenery. Tenants and families can gather in these safe, attractive amenities to visit and bond. Inside and out, or from down Monterrey Road, opportunities for gathering and sharing promote community bonding so necessary to transform a mere place to live into a home. Happy healthy residents make good neighbors. And good neighbors make a good city.

Part III – Entitlement Narrative

A. Density Bonus:

Under State Density Bonus Law, Section 65915, the project - as 100% lower income households, defined by Section 50079.5 of the Health and Safety Code – qualifies for an 80% Density bonus over that maximum allowed by the Development Standards.

1.53 acres x 24 du/acre allowed = 36.72 units allowed under Morgan Hill Zoning Code for Zone MU-F.
36.72 units x 80% density bonus = 66 allowable units with density bonus. (30 bonus units)

Parking:

Per. 65915.p.3.B.4, 100% low-income supportive housing - as defined in Section 50675.14 of the Health and Safety Code – qualifies for no minimum vehicular parking requirements.

Parking provided:

Standard: 46

Compact: 16

Accessible: 5

EV: 5

Accessible EV:2

Total: 67 spaces

B. Concessions to Development Standards:

Per 65915.d.2.D, 100% low-income supportive housing qualifies for **four** incentives or concessions to the City's Development Standards.

As defined by the City of Morgan Hill: *Concession* or *incentive* means any of the following, if they result in

the actual and identifiable cost reductions to providing for affordable housing, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c). :

- A reduction in site development standards
- A modification of zoning code requirements or
- A modification of architectural design requirements that exceed the minimum building standards.

In order to provide the proposed affordable housing at a cost and density threshold that is feasible, the following concessions to Morgan Hill's Development and Design Standards are requested.

1. **Design Standard #26: Exterior Treatments and Materials:** The design standard requires minimum of two materials to be used on any one building façade, and that each material shall comprise at least 20% of the façade. Though it approaches those requirements, the proposal can not meet the requirements and maintain the financial viability of the project, or meet the design intent. Each façade is comprised of fiber cement panel (or cementitious plaster), concrete and wood lattice in a balanced ratio averaging 74%, 14%, 12%, respectively. Variations in color and surface orientation provide cost-effective visual breaks to enliven the facades and help break down the scale of the building. The introduction of additional materials would incur undue expense that would necessitate a reduction in density in order to maintain the budget.
2. **Design Standard #30: Building Colors:** The number of colors appearing on any building exterior is limited to no more than four colors. The proposed color scheme presents (3) colors of various tones, and one neutral light gray, for a total of (9) total proposed individual colors. The light gray is the primary field color, with others used primarily as accent or secondary colors. No more than four secondary, plus the primary color is ever used on any individual building façade. The colors have been carefully selected to reflect the colors found in the natural beauty of the Santa Clara Valley ecosystem, which is the main inspiration for the architecture. They have been applied to the façade in complimentary locations to tell a story about the colors of the changing seasons, and the natural features of the valley. A significant reduction in the color palette to four hinders the rich palette of the building and runs the risk of appearing monotonous and massive. Due to the size, and prominent silhouette of the building, the color variations are a complimentary and necessary architectural component providing a delicate gradient of visual relief. The use of color was selected to achieve design goals without introducing more expensive mixes of materials that this affordable housing project cannot support. Though the intent of this design standard is fulfilled, a concession of the prescriptive standard is requested to maintain project cost feasibility with the target density. A reduction in the color variety of the project would cause the project to adopt more expensive materials or construction methods in order to provide the visual quality required of a building of this size which would reduce the cost feasibility of the project.
3. **Design Standard #31: Window Design:** Due to the contemporary architectural language of the proposed design, it is not clear if the windows meet the letter of the standards; however, every effort has been made to meet the intent. The design proposal provides a trim-less window detailing. Due to the chosen modular construction method the depth of wall characteristic of the modules will not allow a full 6" depth to the glass surface. Many selected windows are equipped with solar shades in a decorative trim. Others are recessed fully in recessed and shaded balconies. In addition to the varied façade articulations and elevations setbacks, these provisions enrich the shadow play and surface plane variety characteristics at the heart of the intent of this

standard. Though the intent of the standard is fulfilled, a concession of the prescriptive standard is requested to maintain project cost feasibility with the target density.

4. **Design Standard #39. Multi-family roof form:** Due to the contemporary architectural language of the proposed design, it is not clear if the roofline meets the letter of the standards; however, every effort has been made to meet the intent. The proposed design reflects contemporary design without the use of more traditional roof types (such as gable, hip, shed, etc.) To take advantage of the modular building techniques used in the proposed design, a flat roof with parapets has been selected. Various heights and slopes have been introduced to the profile of the parapets to add variety and visual interest to the silhouette of the building at the skyline. True to the intent, the variations in the parapet heights and slopes do not extend beyond more than two side-by-side units. Towards the goal of breaking down the building massing to human-scale volumes, significant façade features have been incorporated, such as façade articulations, recessed balconies, extended balconies, selected window shade treatments and shade trellises. Though the intent of the standard is fulfilled, a waiver of the prescriptive standard is requested to maintain project cost feasibility with the target density.

C. Design Waivers:

As described by the City of Morgan Hill, Waivers to Design or Development standards may be requested if those standards physically prevent the development of the housing at the density allowed?

Per the provisions of 65915.e, the following Design Waivers to the Morgan Hill Residential Development Design and Development Standards are requested in order to maintain project financial feasibility, and to provide the target density on the project site.

1. **Design Standard #12: Trees:** The lot at 17965 Monterrey Road has been historically undeveloped and partially wooded. The backlot is overgrown with both indigenous and non-indigenous trees in the significant and non-protected range. Due to the heavy tree load on this site, the project team has determined that replacement of significant trees as a 2:1 ratio is not feasible, though a strategy exceeding 1:1 replacement ratio is proposed. (8) significant indigenous trees to be removed + (10) significant non-indigenous trees to be removed = (18) total significant trees to be removed. At the 2:1 replacement ratio, (36) new trees are required. The current proposal provides (20) new trees on site, (6) new trees in the median and (2) in the park strip for a total of (28) new trees. The difference is a shortfall of (8) trees. Upon careful consideration, the provision for (36) trees would prove physically infeasible within the lot area without removing required amenities and reducing the density of the project.
2. **Development Standard F.A.R.:** Allowed F.A.R. for Zone MU-F: 0.5. Proposed F.A.R.: 1.4
3. **Development Standard Building Height:** Allowed Building Height for Zone MU-F: 45'-0". Proposed Building Height: 68'-0"
4. **Development Standard Front Setback:** Min Allowed for Zone MU-F, Res.: 15'-0". Proposed: 10'-0".

D. Conditional Use Permit:**Parking Area Landscaping:**

Per Morgan Hill Municipal Code Section 18.72.070, parking lots providing over 60 spaces require a 20% dedication of area to landscaping. The design team has provided the maximum landscaping feasible on site without reducing parking spaces below client requirements or reducing the density of the project. Per 18.72.070.H Green Parking Exemptions, parking lots incorporating solar panels, bioswales and other similar green features are eligible for reduced parking lot landscaping requirements. Towards that end, the project provides both bioswales and solar PV canopies.

Total Area of Parking Lot: 26,056 sf

Required Area of Landscaping (20% Parking Lot): 5,212 sqft

Provided Area of Landscaping: 3,370 sqft

Provided Area of Bioswale: 2,899 sqft

Provided Area of Photovoltaic Canopy: TBD – Canopy over parking in selected areas.



Geoffrey Morgan
President & CEO
LEED AP

DIRECTORS

Board Chairman
Gary J. Schoennauer, FAICP
Founder Emeritus
The Schoennauer Company

Richard Conniff
CEO Emeritus
Focus Business Bank

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Argus Financial

Jeffrey Gee, AIA
VP, Division Manager
Swinerton Consulting

Gina Paolini
Principal Planner
City of Morgan Hill
Development Services Department-Planning Division
17575 Peak Avenue, Morgan Hill, CA 95037

Re: Supplemental letter updating project narrative for The Magnolias affordable housing project at 17965 Monterey Road in Morgan Hill.

Dear Gina,

Update to the population served:

The population for The Magnolias has been slightly updated from the project narrative dated 2021.02.10, due to updated requirements from our funding sources.

The current unit mix is 25% rapid rehousing (10 units) and permanent supportive housing (7 units); 25% ELI (families earning up to 30% AMI of area median income) with the remaining 50% of units reserved for families earning up to 50% AMI (31 units). The 7 permanent supportive housing units and 10 of the ELI units will serve veterans.

Additional notes on parking at the property:

FCH has a GreenTRIP-certified portfolio for our extensive efforts to provide alternative modes of transit for all our residents. In Santa Clara County, including this property, this includes free VTA passes for every resident in the building. We also partner with local bicycle advocacy groups to provide bike workshops, and we are providing bike parking for every unit at this property.

Our experience indicates that this project provides excess parking for the population we're serving. First Community Housing's residents drive far less than the average population, and own fewer cars.

Residents often give up cars when they move to our buildings because of the alternative transit options we provide. At this development, we have dedicated as much of the property as possible to parking to mitigate the effects of additional cars to the surrounding community.

Geoffrey Morgan
President & CEO
First Community Housing



Development Services Department
17575 Peak Ave
Morgan Hill, CA 95037-4128
TEL: (408) 779-7271
FAX: (408) 779-3117
www.morganhill.ca.gov

Development Design and Development Standards Checklist for Housing Development Projects

These requirements and the checklist implement requirements of Senate Bill (SB) 330 Housing Crisis Act of 2019 (Government Code Section 65589.5) and shall remain in effect until SB 330 is rescinded or extended.

All housing development projects must complete the Residential Development Design and Development Standard Checklist (below) demonstrating compliance with the City of Morgan Hill adopted Standards.

Applicant's Name _____

Ph # _____ Fax # _____

Address _____ City _____

Zip _____ Email _____

1. Identify the specific location of the proposed housing development project:
 - (A) List all parcel numbers: _____
 - (B) A legal description is attached. ____ (Initials)
 - (C) Site address, if applicable, is: _____
 - (D) Cross streets, if applicable: _____
2. List the existing uses on the project site and identify major physical alterations to the property on which the project is to be located. Attach additional pages if necessary.

3. Attached is a site plan showing the location on the property, elevations, showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied. ____ (Initials)

CONTINUED ON NEXT PAGE

Residential Development Design and Development Standards Checklist
Housing Development Projects
Page 2 of 7

4. Identify the proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance. Attach additional pages if necessary.

5. List the proposed number of parking spaces. _____
List the number of spaces that will include EV charging stations. _____

6. Identify any proposed point sources of air or water pollutants. Attach additional pages if necessary.

7. Identify any species of special concern known to occur on the property. Attach additional pages if necessary.

8. Identify whether a portion of the property is located within any of the following:

(A) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.	YES ☐ NO ☐
(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).	YES ☐ NO ☐
(C) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.	YES ☐ NO ☐
(D) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as	YES ☐

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determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.	NO ☐
(E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.	YES ☐ NO ☐
(F) A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.	YES ☐ NO ☐

9. List any historic or cultural resources known to exist on the property. Attach additional pages if necessary.

10. Identify the number of proposed below market rate units and their affordability levels. Attach additional pages if necessary.

11. The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915. Attach additional pages if necessary.

Residential Development Design and Development Standards Checklist
Housing Development Projects
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12. Are you requesting any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map?

☐ YES Identify type of map being sought:

Parcel Map

Final Map

Condominium Map

Other: _____

☐ NO approvals are being sought under the Subdivision Map Act

13. The applicant owns the property, or consent from the property owner to submit the application is attached. ____ (Initials)

14. Identify the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.

15. Attached is a site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands, or

The property is not subject to a streambed alteration agreement. _____ (Initials)

16. Identify the location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way. Attach additional pages if necessary.

CONTINUED ON NEXT PAGE

Residential Development Design and Development Standards Checklist
Housing Development Projects
Page 5 of 7

RESIDENTIAL DEVELOPMENT ACKNOWLEDGEMENT

I _____ hereby certify that the statements furnished in this application are true and correct. I have reviewed the [Residential Development Design and Development Standards](#) adopted by City Council Resolution No. 19-065 and have verified compliance with the adopted City Standards:

Applicant Signature: _____ Date: _____

Residential Development Design and Development Standards Checklist

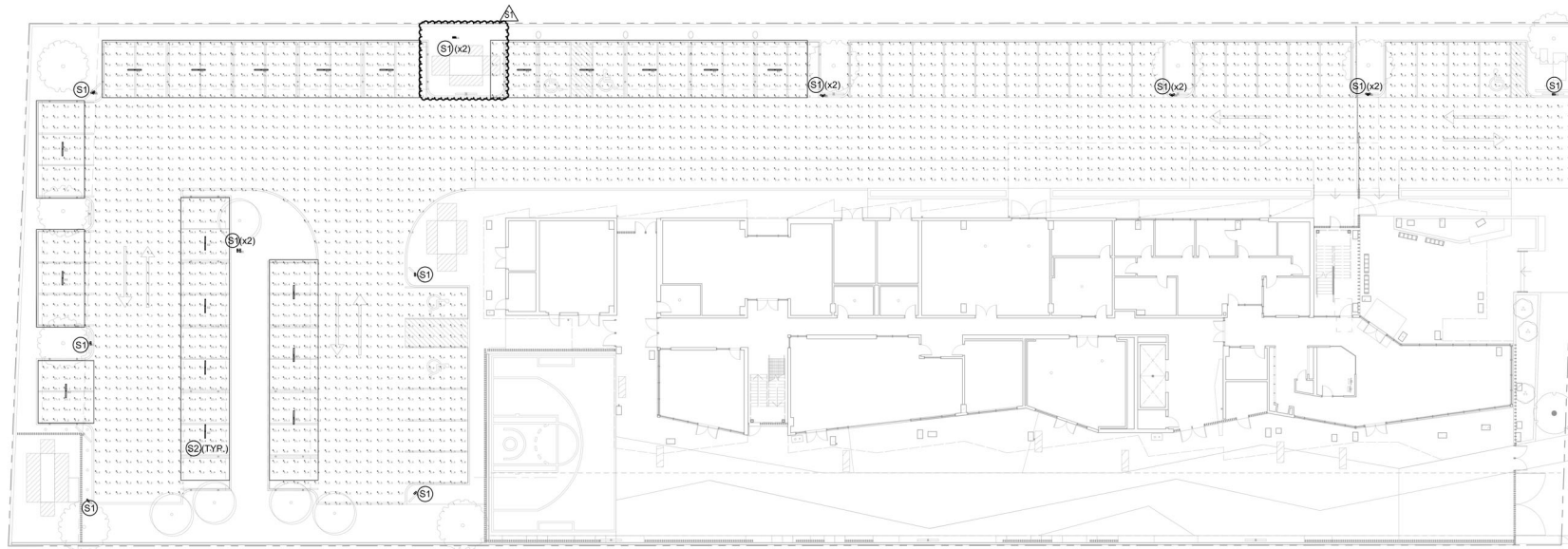
Standard Requirement	Sheet or Document location where information can be found	Comments (by Applicant)	Submittal compliance (Office Use Only)		
			Yes	No	N/A
1. Inclusionary Housing and Below Market Rate Program			☐	☐	☐
2. Accessory Dwelling Unit (ADU) Requirements			☐	☐	☐
3. Zoning Compliance			☐	☐	☐
4. Orientation to an existing Street			☐	☐	☐
5. Intersection Sight Distance/Clear Vision Triangle			☐	☐	☐
6. Sound Walls			☐	☐	☐
7. Agricultural Buffer			☐	☐	☐
8. On-site Recreation Amenities		-	☐	☐	☐
9. Water Conservation in Landscaping			☐	☐	☐
10. Landscaping Plan			☐	☐	☐
11. Wildland-Urban Interface Fire Area			☐	☐	☐
12. Trees			☐	☐	☐
13. Useable Private and Common Open Space			☐	☐	☐
14. Required On-site Parking Spaces			☐	☐	☐
15. Parking Design and Development Standards			☐	☐	☐
16. Parking Lot Layout			☐	☐	☐

Residential Development Design and Development Standards Checklist
Housing Development Projects
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17. Bicycle Parking and Storage			☐	☐	☐
18. Exterior Parking Lot Lighting			☐	☐	☐
19. Parking Area Landscaping			☐	☐	☐
20. Pedestrian Access			☐	☐	☐
21. Electric Vehicle Charging Stations			☐	☐	☐
22. Front Porches			☐	☐	☐
23. Balconies			☐	☐	☐
24. Fences			☐	☐	☐
25. 360 Degree Architecture			☐	☐	☐
26. Exterior Treatments and Materials			☐	☐	☐
27. Roof Line Variation for three or more units			☐	☐	☐
28. Height and Project Massing			☐	☐	☐
29. Separate Structures- Attached Projects			☐	☐	☐
30. Building Colors			☐	☐	☐
31. Window Design			☐	☐	☐
32. Glazing			☐	☐	☐
33. Exterior Lighting and Illumination			☐	☐	☐
34. Equipment Screening			☐	☐	☐
35. Residential Parking Garages			☐	☐	☐
36. Garage Door Design			☐	☐	☐
37. Driveway/Vehicle Pavement			☐	☐	☐
38. Pavement Design			☐	☐	☐
39. Multi-family Roof Form			☐	☐	☐
40. Massing for three story buildings or taller			☐	☐	☐
41. Distinct material changes for three story buildings or taller			☐	☐	☐
42. Trash Enclosure, Solid Waste and Recyclable Materials			☐	☐	☐
43. Arterial Design and Landscaping			☐	☐	☐
44. Street Improvements			☐	☐	☐

Residential Development Design and Development Standards Checklist
Housing Development Projects
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45. Utility Location and Easement			☐	☐	☐
46. Undergrounding Utilities			☐	☐	☐
47. Meter Location			☐	☐	☐
48. Stream Channel and Riparian Setbacks			☐	☐	☐
49. Landscaping-Parkway/Park Strip Design			☐	☐	☐
50. Projects abutting developed land			☐	☐	☐
51. Project abutting undeveloped land			☐	☐	☐
52. Off-street bicycle and pedestrian connections			☐	☐	☐
53. Complete Streets			☐	☐	☐
54. Bicycle and pedestrian improvements (Multi-family projects)			☐	☐	☐
55. Internal pedestrian connections			☐	☐	☐
56. Continuous Sidewalks			☐	☐	☐
57. Water Infrastructure			☐	☐	☐
58. Wastewater Infrastructure			☐	☐	☐
59. Storm Drainage Infrastructure			☐	☐	☐
60. Storm Water Infrastructure			☐	☐	☐
61. Floodplain Development			☐	☐	☐
62. Broadband Connectivity			☐	☐	☐



1 SITE PLAN PHOTOMETRICS

1/16" = 1'-0"

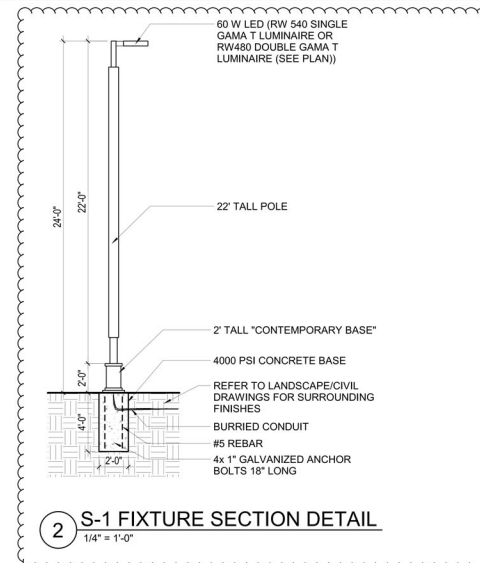
GENERAL NOTES:

- THE S1 FIXTURES ARE POLE LIGHTS MOUNTED AT 24". THIS ASSUMES A Z POLE BASE WITH 22" POLE FOR MOUNTING (SPECIFICATION PACKAGE HAS BEEN INCLUDED FOR REVIEW).
- THE S2 FIXTURES ARE 4" LINEARS SURFACE MOUNTED TO THE UNDERSIDE OF THE CAR PORT. ASSUMED MOUNTING HEIGHT IS 8'-6".

- S1** S1 FIXTURE: GREAT BASIN LIGHTING LED POLE LIGHT 60W, 6480 LUMENS, 5000K, 90 CRI - POLE-MOUNTED



- S2** S2 FIXTURE: LIGHTONIA 4" SURFACE MOUNTED LED LINEAR 35-4W, 5000 LUMENS, 5000K, 90 CRI - MOUNTED TO UNDERSIDE OF SOLAR SHADES



2 S-1 FIXTURE SECTION DETAIL

1/4" = 1'-0"

SERA



REV-1
04/19/21

THE MAGNOLIAS

E050 - SITE PLAN PHOTOMETRICS - SB 330