CITY OF MORGAN HILL

Regular Meeting Agenda

City Council

Rich Constantine	-	*Mayor*
Gino Borgioli	-	*Mayor Pro Tem*
John McKay	-	*Council Member*
Yvonne Martinez Beltran	-	*Council Member*
Rene Spring	-	*Council Member*

Wednesday, November 2, 2022 7:00 PM

Hybrid Meeting
17555 Peak Avenue, Morgan Hill, CA 95037 and Virtual (Link to join the meeting can be found below)

Morgan Hill City Council meetings will be held as "hybrid" meetings with the option to attend by teleconference/video conference or in-person. To maximize public safety while still maintaining transparency and public access, members of the public can choose to participate remotely or attend in-person. Information on how the public may observe and participate in the meeting is located below. Santa Clara County strongly encourages masks and social distancing if attending in person.

MEETING GUIDELINES AND PUBLIC COMMENT

City Council 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 joining the virtual meeting at: https://bit.ly/MHCityCouncilMeeting or by calling (669) 900-9128, then enter the webinar id: 873 3200 8380#. Public comment may be provided in the following ways:

- Provide public comment in-person
- Join the virtual City Council 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 (YOU MUST BE RUNNING THE MOST CURRENT VERSION OF ZOOM TO BE UNMUTED)
- Join the virtual meeting by calling the number above, dial *9 to raise your hand, and be called upon to speak for up to 3 minutes
- Send public comments in writing to the City Clerk at ccpubliccomment@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

PROCLAMATIONS

Proclaiming the month of November 2022 as Philanthropy Month

CITY COUNCIL REPORTS

Mayor Pro Tem Borgioli

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

This opportunity for public comment is for items that are not on the agenda. If you would like to make comments on an item that is on the agenda, please wait until we get to that item to offer your comments. Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. Public comment is intended for comments. Questions posed during public comment are not generally answered. If you have questions, please send them to the City Clerk at ccpubliccomment@morganhill.ca.gov to receive a response. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. ADOPT ORDINANCE 2336, NEW SERIES, AMENDING SECTION 14.04.040 (GENERAL REQUIREMENTS) AND SECTION 14.040.060 (CONTINUED AFFORDABILITY AND CITY REVIEW OF OCCUPANCY) OF CHAPTER 14.04 (INCLUSIONARY HOUSING) OF TITLE 14 (HOUSING) TO CLARIFY INCLUSIONARY HOUSING REGULATIONS AND ENACTING CHAPTER 18.48 (DENSITY BONUS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING GRANTING OF DENSITY BONUS, INCENTIVES/CONCESSIONS AND WAIVERS OR REDUCTION OF DEVELOPMENT STANDARDS FOR HOUSING PROJECTS THAT INCLUDE AFFORDABLE UNITS, AS REQUIRED BY STATE LAW (AB 1763)

Recommendation:
Waive the reading, adopt Ordinance No. 2336, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

2. APPROVE CONTRACT WITH EXELOO CORPORATION FOR THE PURCHASE OF A SELF-CLEANING RESTROOM AT GALVAN PARK

Recommendation:
Authorize the City Manager to execute a contract with Exeloo Corporation for a not to exceed amount of $300,000 to purchase a self-cleaning restroom at Galvan Park.

3. APPROVE THE REVISED COMMUNITY SERVICE OFFICERS ASSOCIATION (CSOA) SALARY SCHEDULES

Recommendation:
Approve the revised Community Service Officers Association (CSOA) salary schedules to include the approved Community Services Officer position.

4. APPROVE THE SEPTEMBER 28, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:
Approve minutes.

5. APPROVE THE OCTOBER 19, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:

Approve minutes.

PUBLIC HEARING

6. ADOPT ORDINANCE 2337, NEW SERIES, AMENDING CHAPTERS 15.08 (BUILDING CODE),15.12 (ELECTRICAL CODE), 15.16 (MECHANICAL CODE), 15.20 (PLUMBING CODE), AND 15.44 (FIRE CODE) TO ADOPT BY REFERENCE THE 2022 CALIFORNIA STATE BUILDING STANDARDS CODES KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AMENDING CHAPTER 15.25 (PROPERTY MAINTENANCE) TO ADOPT BY REFERENCE THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO MAKE MINOR CHANGES TO SECTIONS IN CHAPTERS 15.65 (SUSTAINABLE BUILDING REGULATIONS) AND 15.66 (SWIMMING POOLS) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE MORGAN HILL MUNICIPAL CODE

Recommendation:
1. Open/close the public hearing;
2. Waive the second reading of the ordinance; and
3. Adopt the ordinance.

OTHER BUSINESS

7. APPROVE CONCEPTUAL DESIGN FOR THE BUTTERFIELD FIRE STATION PROJECT

Recommendation:
1. Approve Conceptual Design for the Butterfield Fire Station Project; and
2. Adopt resolution approving and making the required findings as outlined in the staff report.

PUBLIC HEARING

8. APPROVE AMENDMENTS TO THE GENERAL PLAN AND CERTIFY A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR), ADOPT FINDINGS OF SIGNIFICANCE AND A STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVE MITIGATION MONITORING REPORTING PLAN FOR THE COCHRANE COMMONS RETAIL CENTER AND ASSOCIATED LAND. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBERS: 728-37-056, -069, AND -041, ARE LOCATED ON THE NORTHEAST CORNER OF HIGHWAY 101, COCHRANE ROAD, AND MISSION VIEW DRIVE, (MORGAN HILL RETAIL VENTURE LP, OWNER)

Recommendation:
1. Open/Close public hearing;
2. Adopt resolution certifying the SEIR, adopt Findings of Significance and

Statement of Overriding Considerations and approve the Mitigation Monitoring and Reporting Program prepared for the project;
3. Adopt resolution approving an amendment to the General Plan land use designation;
4. Waive the first and second reading of Zoning Amendment Ordinance; and
5. Introduce Zoning Amendment Ordinance

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council 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 Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council 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 Council, 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 City Council 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 City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council 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 City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, 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 City Council 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.

SUSTAINABLE MORGAN HILL

Vision

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community.

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining and Enhancing Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advancing Regional Initiatives

2022-2023 Strategic Priorities

- Fiscal Sustainability
- Affordable Housing and Homelessness
- Community Outreach, Engagement, and Messaging
- Economic Development
- Transportation

These strategic priorities were established prior to the COVID-19 pandemic. In light of recent events, we recognize that all of these goals and priorities will be viewed through the lens of the global pandemic, and we will continue to have equity, public health, and financial responsibility in mind.

CITY OF MORGAN HILL

CITY COUNCIL STAFF REPORT
MEETING DATE: November 2, 2022

PREPARED BY:
Angie Gonzalez, Deputy City Clerk
APPROVED BY: City Manager

ADOPT ORDINANCE 2336, NEW SERIES, AMENDING SECTION 14.04.040 (GENERAL REQUIREMENTS) AND SECTION 14.040.060 (CONTINUED AFFORDABILITY AND CITY REVIEW OF OCCUPANCY) OF CHAPTER 14.04 (INCLUSIONARY HOUSING) OF TITLE 14 (HOUSING) TO CLARIFY INCLUSIONARY HOUSING REGULATIONS AND ENACTING CHAPTER 18.48 (DENSITY BONUS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING GRANTING OF DENSITY BONUS, INCENTIVES/CONCESSIONS AND WAIVERS OR REDUCTION OF DEVELOPMENT STANDARDS FOR HOUSING PROJECTS THAT INCLUDE AFFORDABLE UNITS, AS REQUIRED BY STATE LAW (AB 1763)

RECOMMENDATION(S)

Waive the reading, adopt Ordinance No. 2336, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities
Supporting our Youth, Seniors, and Entire Community
Enhancing Diversity and Inclusiveness
Advancing Regional Initiatives

2022-2023 Strategic Priorities
Affordable Housing and Homelessness

Guiding Documents
Morgan Hill 2035 General Plan

REPORT NARRATIVE:

On October 19, 2022, the City Council introduced Ordinance No. 2336, New Series, by the following roll call vote: AYES: Borgioli, Martinez Beltran, McKay, Spring; NOES: None; ABSTAIN: None; ABSENT: Constantine.

The draft ordinance was revised by motion of City Council to maintain review of density bonus requests, as well as review of concessions or incentives, and waivers or reductions in development standards for housing developments, at the City Council level. "Development Services Director" was replaced with City Council in several sections in the revised Chapter 18.48.

This ordinance generally provides that an inclusionary housing agreement is not needed for 100 percent affordable rental residential developments that are developed in accordance with, and subject to, a recorded governmental agency deed restriction or regulatory agreement that imposes rent and household income eligibility restrictions on all residential units in the Residential Development, to avoid duplication; establishes that affordability restrictions are senior in priority to any private liens or encumbrances to prevent the loss of affordable units in the event of foreclosure; and reinstates the City's density bonus process in the code as required by State law.

COMMUNITY ENGAGEMENT:

Inform

A 10-day public hearing notice was published for the August 23, 2022, Planning Commission meeting in the August 12, 2022 edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096. A 10-day public hearing notice was published for the City Council meeting in the September 16, 2022, edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096. The September 28, 2022 City Council meeting was continued to October 19, 2022.

ALTERNATIVE ACTIONS:

Not Applicable.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On July 25, 2018, Council adopted ordinance number 2278 creating Title 14 to the City's Municipal Code creating the Inclusionary Housing Ordinance in Chapter 14.04.
On March 20, 2019, Council adopted ordinance number 2299 amending chapter 14.04 to allow for payment of in-lieu fees.
On December 15, 2021, Council adopted ordinance number 2326 amending Title 14.
The Planning Commission considered this ordinance at a public hearing on August 23, 2022, at which they unanimously recommended approval. Two commissioners expressed concern regarding transparency with the changes to the Density Bonus Chapter allowing for review at the administrative level. Additionally, one commissioner expressed concern that decisions to subordinate loans should be made by City Council; however, it was explained that the timing of processing loans does not allow for City Council review.
On October 19, 2022, The City Council Introduced the ordinance.

FISCAL AND RESOURCE IMPACT:

There is no fiscal impact resulting from introducing this ordinance or implementing its

provisions.

CEQA (California Environmental Quality Act):

This ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, as the proposed text amendments to the Morgan Hill Zoning Code is not a project with potential for causing a significant effect on the environment, requiring California Environmental Quality Act.

ORDINANCE NO. 2336, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING SECTION 14.04.040 (GENERAL REQUIREMENTS) AND SECTION 14.040.060 (CONTINUED AFFORDABILITY AND CITY REVIEW OF OCCUPANCY) OF CHAPTER 14.04 (INCLUSIONARY HOUSING) OF TITLE 14 (HOUSING) TO CLARIFY INCLUSIONARY HOUSING REGULATIONS AND ENACTING CHAPTER 18.48 (DENSITY BONUS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING GRANTING OF DENSITY BONUS, INCENTIVES/CONCESSIONS AND WAIVERS OR REDUCTION OF DEVELOPMENT STANDARDS FOR HOUSING PROJECTS THAT INCLUDE AFFORDABLE UNITS, AS REQUIRED BY STATE LAW (AB 1763)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

Section 1. Section 14.04.040 (General Requirements) of Chapter 14.04 (Inclusionary Housing) of Title 14 (Housing) is hereby amended to read as follows:

14.04.040 General requirements.

A. Percentage Requirement; In Lieu Fee.

1. Requirement. Except as provided in this paragraph A or in paragraphs B and D of this section or section 14.04.070 (Alternatives) at least fifteen percent of all units in residential projects shall be inclusionary units that shall be made available at Affordable Rents or affordable sales prices as prescribed in this section. The inclusionary units shall be approved, and construction of the inclusionary units shall be completed not later than the times prescribed in Section 14.04.050 of this chapter, unless an alternative requirement is approved pursuant to Section 14.04.070 of this chapter.

2. Fractional Number. Whenever application of the requirements of this chapter results in a fractional number of required inclusionary units, if the fraction is 0.50 or greater, construction of the next higher whole number of inclusionary Units shall be required, and where the fraction is 0.49 or less, payment of the applicable housing fee adopted by city council shall be required for the fractional unit.

3. In-Lieu Fee Election for One-Half of Required Inclusionary Units. Developers may elect to satisfy the applicable requirements set forth in paragraphs B, C, D, and E of this section by paying an in-lieu fee for up to one-half of the number of required inclusionary units and constructing the remaining required inclusionary

units. If the required number of inclusionary units results in a fractional number, the provisions of the preceding paragraph regarding payment of a fee shall apply to the fractional unit.

B. For-Sale Projects in Downtown. All new for-sale residential projects consisting of two or more dwelling units located within downtown are required to restrict ten percent of the dwelling units for sale at affordable sales prices to moderate-income households. Such dwelling units must be sold to eligible households, and shall be subject to a recorded deed restriction that will impose resale price restrictions for a period of forty-five years.

C. For-Sale Projects Outside of Downtown. All new for-sale residential projects consisting of two or more dwelling units located within the city but outside of downtown are required to restrict fifteen percent of the dwelling units for sale at affordable sales prices to moderate income households. Such dwelling units must be sold to eligible households, and shall be subject to a recorded deed restriction that will impose resale price restrictions for a period of forty-five years.

D. Rental Projects in Downtown. All new rental residential projects consisting of two or more dwelling units located within downtown are required to restrict ten percent of the dwelling units for rent at Affordable Rents and occupancy by low-income and very low-income households. Such dwelling units must be occupied by, or if vacant, available for occupancy by eligible households, and such restrictions shall be documented in a recorded inclusionary affordable housing agreement with a term of fifty-five years. At least one-half of the required inclusionary units shall be occupied by, or if vacant, available for occupancy at Affordable Rents to very low-income households.

E. Rental Projects Outside of Downtown. All new rental residential projects consisting of two or more dwelling units located within the city but outside of downtown are required to restrict fifteen percent of the dwelling units for rent at Affordable Rents and occupancy by low- income and very low-income households. Such dwelling units must be occupied by, or if vacant, available for occupancy by eligible Households, and such restrictions shall be documented in a recorded inclusionary affordable housing agreement with a term of fifty-five years. At least one-half of the required inclusionary units shall be occupied by, or if vacant, available for occupancy at Affordable Rents to very low-income households.

F. Inclusionary Housing Development Standards, Location and Design of Inclusionary Units. Residential projects that include inclusionary units shall conform to the following development standards. These incorporate the standards formerly known as the "Below Market-Rate (BMR) Program Development Standards" adopted by the City Council on September 26, 2018, as such may be amended from time to time.

1. All inclusionary units shall be geographically and proportionally dispersed throughout the residential project. In residential projects that will consist of more than one building, the inclusionary units shall be dispersed among all of the buildings that comprise the development. In residential projects that will consist of more than one product type, the inclusionary units shall be dispersed among the product types, proportionate in number among each of the product types that comprise the development.

2. In for-sale projects, the lot size for the inclusionary units shall be at least the same size as the smallest lot for market-rate units in the residential project.

3. The average bedroom and bathroom count in the inclusionary units shall be the same as the average bedroom and bathroom count in the market-rate units in the residential project.

4. The exterior trim, entry door hardware, and exterior finishes for the inclusionary units shall be of the same standard as the market-rate units in the residential project. There shall not be significant identifiable differences between inclusionary units and the market-rate units that are visible from the exterior of the dwelling units.

5. The interior finishes, equipment, fixtures, and appliances for the inclusionary units shall conform to the following minimum interior standard finishes:

   a. All closets shall have doors;

   b. Interior doors to be raised panel type or same as market-rate;

   c. Door hardware to be brass finish or same as market-rate;

   d. Appliances shall be major brand name (if applicable);

   e. Microwave hood is required to be vented to the exterior. When applicable exhaust vent shall be installed over the range;

   f. Units shall be roughed in for AC including electrical and line set;

   g. Basic alarm system to secure all accessible openings to the home;

   h. Electric garage door opener (if applicable).

6. The size, design, and distribution of model types for the inclusionary units shall be comparable and proportionate in number to the size, design, and distribution of each of the model types for the market-rate units in the residential project.

7. Occupants of inclusionary units shall be provided the same access to project amenities, recreational facilities, and common areas as occupants of market-rate units.

G. For-sale projects. The inclusionary units that are constructed in for-sale projects shall be sold for owner-occupancy at an affordable sales price to moderate-income households that qualify as eligible households. Accessory Dwelling Units (ADU's) constructed within for-sale projects will not be counted toward satisfaction of the requirement to construct inclusionary units.

H. Rental projects. The inclusionary units that are constructed in rental projects shall be occupied by, or if vacant, available for occupancy at Affordable Rents to low- and very low-income households. At least one-half of the required inclusionary units in rental projects, shall be occupied, or if vacant, available for occupancy at Affordable Rents to very low-income households.

I. Exceptions. The affordability levels required for a residential project may be modified by written agreement between the city and the applicant upon a finding that such modification is necessary to effectively achieve the City's RHNA goals in the then-current housing element cycle.

J. This Chapter shall not apply to rental Residential Developments that are developed in accordance with, and subject to, a recorded governmental agency deed restriction or regulatory agreement that imposes rent and household income eligibility restrictions on all residential units in the Residential Development with the exception of managers' units. Such deed restriction or regulatory agreement must be recorded against the property, must be binding on successors in interest for at least the same duration as would otherwise be required pursuant to this Chapter, and must be executed by and between the property owner and any of the following entities and agencies: the City of Morgan Hill, the County of Santa Clara, the California Tax Credit Allocation Committee, the issuer of tax-exempt bonds used to finance the Residential Development, the California Department of Housing and Community Development or any other State of California agency, and the U.S. Department of Housing and Urban Development or any other federal agency.

Section 2. Section 14.04.060 (Continued affordability and city review of occupancy) of Chapter 14.04 (Inclusionary Housing) of Title 14 (Housing) is hereby amended to read as follows:

14.04.060 Continued affordability and city review of occupancy.

A. Term of affordability—For-sale projects. A resale restriction, covenant, deed of trust and/or other documents in the form prepared by the city attorney, shall be recorded against each inclusionary unit upon the sale of each for-sale unit and shall be senior in priority to any private liens or encumbrances except as provided below, and shall be enforceable by the City against the applicant or the applicant's successors-in-interest to the property for the full affordability term. These documents shall have an initial term of forty-five years, and shall be renewed upon each change of title to the inclusionary unit. The resale restriction, or other documents required by this subsection, and any change in the form of any such documents, shall be approved by the City Manager or his or her designee prior to execution and recordation of such document. The city shall be a party to the resale restriction or other documents required by this subsection and shall have the right to enforce the covenants and restrictions contained therein. The City Manager shall have the authority to subordinate such restrictions to other liens and encumbrances if he or she determines that the financing of the affordable housing units would be infeasible without said subordination.

B. Term of affordability—Rental projects. A regulatory agreement, covenant, deed of trust, and/or other documents prepared by the city attorney, shall be recorded against each residential project that contains inclusionary units that are rental units. These documents shall have a term of fifty-five years. The regulatory agreement and other documents required by this subsection, shall run with the land, shall not be affected by the sale of the property or units in the project, and shall be senior in priority to any private liens or

encumbrances except as provided below, and shall be enforceable by the City against the applicant or the applicant's successors-in-interest to the property for the full affordability term. The regulatory agreement and other documents required by this subsection, and any modification to such document, shall be approved by the City Manager or his or her designee and approved as to form by the city attorney, prior to execution and recordation of such document. The city shall be a party to the regulatory agreement or other documents required by this subsection and shall have the right to enforce the covenants and restrictions contained therein. The City Manager shall have the authority to subordinate such restrictions to other liens and encumbrances if he or she determines that the financing of the affordable housing units would be infeasible without said subordination.

C. Eligibility requirements. For-sale inclusionary units shall be sold only following city's approval of the affordable sales price and a determination that the purchaser is an eligible household. Such determinations shall be made by the city or its designated administrator as referenced in the Below Market-Rate (BMR) Program Administration, Chapter 14.12, Section 14.12.040, Duties of Program Administrator. If the city or its designee maintains a list of, or otherwise identifies, eligible households, initial and subsequent tenants of rental inclusionary units, and the initial and subsequent purchasers of for-sale inclusionary units shall be selected first from the list of identified households, to the maximum extent possible, in accordance with rules approved by the City Manager or his or her designee.

Section 3. Chapter 18.48 (Density Bonus) is hereby added to Title 18 (Zoning) to read as follows:

Chapter 18.48 Residential Density Bonus Provisions.

18.48.010. Purpose.

These residential density bonus provisions are intended to implement state law in accordance with applicable sections of the California Government Code Section 65915 *et seq.*, as may be amended from time to time.

18.48.020. Application requirements.

A. Application. The applicant must identify in its application materials the number of bonus units and any incentives, concessions, waivers or reductions of development standards or parking ratios requested pursuant to Section 65915. This application shall be filed concurrently with other housing development applications.

B. Eligible Project. To be eligible for a density bonus, a proposed housing development, as defined in Government Code Section 65915(i), shall include a percentage of affordable units as described in Government Code Section 65915(b)(1). The housing development shall comply with Government Code

Section 65915(c) and Chapter 14.04 of the Morgan Hill Municipal Code to assure the continued affordability of the units.

C. Documentation. An applicant shall provide to the City reasonable documentation as described in the development application to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios.

18.48.030. Density Bonus.

For eligible projects, consistent with the requirements of this chapter and Government Code Section 65915, the City Council shall grant an increase in the number of dwelling units permitted in the proposed project. The amount of density bonus is based on the number, type, and degree of affordable units as specified in Government Code Section 65915(f), (g), and (h).

18.48.040. Concessions or Incentives.

An applicant may request one or more concessions or incentives, as defined in Government Code Section 65915(k), from the City as provided in Government Code Section 65915(d). The City Council shall grant the requested concessions or incentives unless City Council makes one or more findings described in Government Code Section 65915(d)(1).

18.48.050. Waiver or Reduction of Development Standards.

An applicant may request waivers or reductions of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision 65915(b) at the densities or with the concessions or incentives permitted pursuant to Government Code Section 65915(e). The City Council shall grant the requested waiver or reduction unless the City Council makes a finding that the waiver or reduction would have a specific adverse impact as described in Government Code Section 65915(e)(1).

18.48.060. Parking Reductions.

An applicant may request a reduction in parking ratios as provided in Government Code Section 65915(p). The City Council shall grant the requested waiver or reduction in parking ratios as described in Government Code Section 65915(p).

18.48.070. Review Authority.

The City Council shall review and act on all density bonus, incentive/concession, waivers or reductions of development standards, and reduction in parking ratios requests.

18.48.080. Affordability restriction.

Every project that receives a density bonus, incentive, concession, or waiver or reduction of development standards, must comply with Title 14 of the Morgan Hill Municipal Code and Government Code Section 65915, including but not limited to recording an affordability restriction.

Section 4. **Severability.** Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 5. **Effective Date; Posting**. This Ordinance shall take effect thirty days after the date of its passage and adoption. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 19TH DAY OF OCTOBER 2022, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 2ND DAY OF NOVEMBER 2022, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

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

APPROVED: **ATTEST:**

RICH CONSTANTINE, Mayor **MICHELLE BIGELOW, City Clerk**

CERTIFICATE OF THE CITY CLERK

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 Ordinance No. 2336, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 2nd day of October 2022.

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

DATE: _____ _____

MICHELLE BIGELOW, City Clerk

CITY OF MORGAN HILL

CITY COUNCIL STAFF REPORT
MEETING DATE: November 2, 2022

PREPARED BY:
Yat Cho, Senior Project Manager
APPROVED BY: City Manager

APPROVE CONTRACT WITH EXELOO CORPORATION FOR THE PURCHASE OF A SELF-CLEANING RESTROOM AT GALVAN PARK

RECOMMENDATION(S)
Authorize the City Manager to execute a contract with Exeloo Corporation for a not to exceed amount of $300,000 to purchase a self-cleaning restroom at Galvan Park.

COUNCIL PRIORITIES, GOALS & STRATEGIES
City Council Ongoing Priorities
Enhancing Public Safety
Maintaining and Enhancing Infrastructure
Supporting our Youth, Seniors, and Entire Community

2022-2023 Strategic Priorities
Fiscal Sustainability

Guiding Documents
Bikeways, Trails, and Recreation Master Plan

REPORT NARRATIVE:
The existing Galvan Park restroom was installed in December 2007. Over the past 15 years, the maintenance of this restroom has been labor intensive, time-consuming, and costly. With major renovation required to keep the restroom operational, it is recommended that the existing two-stall restroom be demolished and replaced with a new two-stall unit from Exeloo Corporation. The Exeloo Prefabricated restroom has been installed at Railroad Park and the Inclusive Playground. At both locations, it has reduced the daily maintenance due to its self-cleaning features.

The City of Morgan Hill received a Community Development Block Grant (CDBG) from the County of Santa Clara in the amount of $300,000 for this project. This grant has a short timeframe to complete the project (April 1, 2023) and staff is looking for various ways to expedite the project. A typical Capital Improvement Project will be performed through the public bid process under Section 3.04.150 and Section 3.04.190. However, City staff recommend repurchasing the restroom to ensure grant deadlines can be met.

Staff are also recommending a sole source purchase of the Exeloo restroom as only one supplier can provide a restroom facility meeting the needs identified by the City including:
* The automatic sliding doors limits occupants to 10 minutes to help reduce loitering and vandalism.
* Self-cleaning 5-stage self-washing cycle is activated after 30 uses. The cycle sanitizes, washes, and dries the high traffic and odor areas including the floor and toilet.
* Adjustable dispensers limit consumables with intelligent and automated fixtures, lowering sanitary supply costs.
* Prefabricated to minimize impacts during installation.
* Operational efficiency – Set lock and unlock times reduce the number of cleanings needed throughout the day.
* Adjustable consumables dispensing – Adjustable dispensers limit consumables with intelligent and automated fixtures lowering sanitary supply costs.
*Fully accessible single occupancy cubicle.
* Minimal footprint – Prefabricated and delivered fully assembled minimizing impact during installation.
* Safety and security – A lighting system designed to increase the ability to monitor from a distance and will indicate when vacant and occupied

Staff have reviewed the Exeloo prefabricated restroom and consider their product as sole-sourced as there is no other competing product that is manufactured and sold. This product is also distributed only by Exeloo Corporation. City staff recommend that the City Council make a determination that there is only one source for the restroom based on a review of available sources. The current leadtime on the manufacturing and delivery of the Exeloo unit is approximately 6 months. If approved, staff will be putting together a bid package to demolish the existing restroom and perform the installation of the foundation, flatwork, and utility connection in preparation of the new prefabricated restroom with Exeloo Corporation.

COMMUNITY ENGAGEMENT:

Inform

The City Council and City staff have discussed this project at Council workshops, budget workshops and other meetings. This project was added to the Capital Improvement Program specifically at the request of the City Council. There has been no other specific public engagement for this project. Significant outreach will be made to inform the community of the construction schedule. Additionally, temporary restrooms will be used during the project.

ALTERNATIVE ACTIONS:

City Council may reject this authorization. This will delay the project for at least three months and will likely result in the loss of grant funding.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On June 15, 2022 the City Council adopted FY22-23 to FY27-28 CIP Budget.

FISCAL AND RESOURCE IMPACT:

This project is funded in the current adopted budget (FY22-23) and is budgeted under Project 118020. The project is funded through Quimby Fund (375). If project is completed prior to April 1, 2023, City will be reimbursed up to $300,000 from CDBG Grant.

CEQA (California Environmental Quality Act):

Categorical Exemption

The activities described in this Staff Report are categorically exempt under CEQA, specifically pursuant to Section 15302 of CEQA Guidelines (Existing Facilities), as this project will consist of the removal and replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Engineering and Utilities Department
CIP Engineering Division

Document Path: G:\R-14\PROJ\Agustin\GIS\Galvan Park Restroom.mxd

GALVAN PARK RESTROOM REPLACEMENT PROJECT

0 90 180 360 540 720 Feet

JUPITER TWIN ACCESSIBLE USA

EXELOO JUPITER TWIN ACCESSIBLE - DRAWING SCHEDULE		
SHEET #	DESCRIPTION	REVISION
G1	FINISHES SCHEDULE	1-H
G2	STANDARD DETAILS	N/A
G3	FRONT PERSPECTIVE	N/A
G4	REAR PERSPECTIVE	1-H
B5	ELEVATIONS	1-H
B6	FLOOR PLAN	1-H
B7	SECTION A-A	1-H
B8	SECTION B-B	1-H
B9	SECTION C-C	1-H
B10	SECTION D-D	1-H
B11	SCHEMATIC SERVICES PLAN	1-H
B12	POWER - ONE LINE DIAGRAM	1-H
P13	JUPITER TWIN ACCESSIBLE WASTEWATER SYSTEM	1-C
P14	WATER SUPPLY DIAGRAM	1-H
P15	WATER SUPPLY VALVE TRAIN	1-A
G16	SIGN DOOR ASSEMBLY USA - ADA	1-A
G17	ACCESSIBLE RESTROOM DOOR SIGN	1-A
B18	FLOOR SLAB - PLAN & SECTION	1-A
B19	FLOOR SLAB - REINFORCING DETAIL	1-A
B20	FLOOR SLAB - FOUNDATION PLAN	1-O
S21	STEEL FRAME - B.O.M - FRONT	1-H
S22	STEEL FRAME - B.O.M - REAR	1-H
S23	STEEL FRAME - ELEVATIONS & PLAN	1-H
S24	STEEL FRAME - ELEVATIONS	1-H
S25	STEEL FRAME - ELEVATION & DETAILS	1-H
S26	STEEL FRAME - SWING DOOR OPTION	1-H
B27	AUXILIARY CONTROL BOX LAYOUT	1-H
B28	MAIN CONTROL BOX LAYOUT	1-H
B29	MAX LOAD TABLE	1-H
B30	ELECTRICAL PANEL SCHEDULE - TWIN BOX	1-H
B31	APRON DETAIL	1-H

THIS DRAWING SET COVERS:
1. JUPITER 22DD - AUTOMATIC TWIN ACCESSIBLE
2. JUPITER 32DD - SEMI-AUTOMATIC TWIN ACCESSIBLE
3. JUPITER 42/52DD - MANUAL TWIN ACCESSIBLE

REFER TO EXELOO QUALITY ASSURANCE MANUAL FOR FIT-OUT OPTIONS

WORK COMPLETED AT EXELOO FACTORY:
1. PRE-FABRICATED TOILET UNIT - CONCRETE SLAB, STEEL FRAME STRUCTURE,
WALL CLADDING, INTERNAL WALLS, RESTROOM FITTINGS, ROOF & FLASHINGS (REMOVED FOR TRANSPORT)
2. PLUMBING & ELECTRICAL WORK

NOTES:
1. RESTROOM MANUFACTURER WILL DELIVER RESTROOM TO SITE AND CRANE ONTO GRADE BEAMS.
2. CONTRACTOR TO CONSTRUCT GRADE BEAMS AND BASE, EXTEND EXISTING UTILITIES AND PROVIDE FINAL CONNECTIONS (SANITARY SEWER, WATER AND ELECTRICAL).
3. CONTRACTOR TO INSTALL PREFABRICATED FOAM CORE ROOF PANELS AND FLASHING PER MANUFACTURER'S INSTRUCTIONS.
4. CONTRACTOR TO BE RESPONSIBLE FOR PROPER DISPOSAL OF ALL SPOILS AND SITE GENERAL RESTORATION AND CLEAN-UP (NOT INCLUDING TURF ESTABLISHMENT).
5. RESTROOM MANUFACTURER WILL TEST FINAL OPERATION OF FACILITY AND REMOTE COMMUNICATION

1. SOILS INFORMATION
A. NO SOILS REPORT PROVIDED. THE FOLLOWING IS AN ASSUMED VALUE:
1. DESIGN SOIL BEARING CAPACITY = 1500 psf
2. THE FOUNDATION IS DESIGNED PER IBC MINIMUM STANDARDS.
B. WITHOUT A SOILS REPORT THOM HUME CONSULTING ENGINEERS CANNOT BE RESPONSIBLE FOR FOUNDATION SETTLEMENTS OR MOVEMENTS.
C. MAINTAIN BOTTOM OF FOOTING SUCH THAT THE HORIZONTAL DISTANCE TO DAYLIGHT IS 40'-0" AND PER SEC 1808.7.2 OF CURRENT CBC EDITION.

2. FOUNDATION INFORMATION
A. CONCRETE:
A.A. MAXIMUM 28-DAY STRENGTH OF 3,000 psi
A.B. MAXIMUM WATER TO CEMENT RATIO OF 0.57
A.C. MAXIMUM AGGREGATE SIZE OF 1"
A.D. SLUMP OF 4" ±1"
A.E. NO SPECIAL INSPECTION REQUIRED
B. REINFORCING:
B.A. ALL REINFORCING SHALL BE ASTM A-615 GRADE 60
B.B. CLEAR COVER TO ALL REBAR SHALL BE 3"

0000 CODES AND REFERENCES
ALL GENERAL STRUCTURAL NOTES AND SPECIFICATIONS REFLECT THE PROVISIONS OF THE:
2019 CBC (CALIFORNIA BUILDING CODE)
ACI 318-14 (CONCRETE)
AISC 360-16/AISC-16/AISC 358-16 (STEEL)

SEISMIC:
Design Procedure:
Equivalent Lateral Force Analysis
Importance :1
Risk Category :2
Occupancy Category :II
Ss :2.72
S_1 :1.0
Sds :2.00
Sd_1 :1.1
Site Class :D
Seismic Design Cat. :E
Seismic Force Sys :OMF
Base Shear :3.75k
Cs :0.571
R :3.5
Analysis Procedure :LIN. STATIC

WIND:
Basic Wind Speed: 115 mph
Wind Exposure: C
Internal Presure Coefficient: ±0.18
Risk Category II

PROJECT DATA:

ADDRESS: ***STATEWIDE APPROVAL***

CODES & STANDARDS:

2019 CALIFORNIA BUILDING CODE (BASED ON THE 2018 IBC)
2019 CALIFORNIA MECHANICAL CODE (BASED ON THE 2018 UMC)
2019 CALIFORNIA PLUMBING CODE (BASED ON THE 2018 UPC)
2019 CALIFORNIA ELECTRICAL CODE (BASED ON THE 2017 NEC)
2019 CALIFORNIA GREEN BUILDING STANDARD CODE (CGBSC)
2019 CALIFORNIA ENERGY CODE

BUILDING INFO:

BLDG USE: PUBLIC RESTROOM
BLDG OCCUP: B
OCCUPANT LOAD: 1/PER STALL
CONSTRUCTION TYPE: (IBC 602) TYPE V-B
BLDG AREA: 135 SF (TABLE 506.2 ALLOWED 9,000 SF)
BLDG HTG: 9'-0" SINGLE STORY
EXITS REQD: 1/STALL
EXITS PROVIDE: 1/STALL
FIRE SUPRESSION: NON-SPRINKLERED

APPLICABLE LOADS:

ROOF LIVE LOAD: 20
DEAD LOAD: 10
SNOW LOAD: 20

FLOOR LOAD: 40

WIND SPEED: 115
EXPOSURE: C
SEISMIC DESIGN CATEGORY: E
RISK CATEGORY: 2

BLDG HVAC: N/A

NOTE:
1. THIS IS A NON-CONDITIONED BUILDING
2. THIS BUILDING HAS NOT BEEN DESIGNED FOR WILDFIRE LOCATIONS (WUI)
3. SNOW LOADING NOT CONSIDERED IN THIS DESIGN

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Description:	Proj:	Units:	Rev.	Rev Date.
JUPITER TWIN ACCESSIBLE USA		in	1-H	24/08/2022
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. G
				Drawing No: ASJUP22DD-US1BON

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SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTICE

EXELOO FINISHES SCHEDULE

STRUCTURAL

#	ITEM	SUPPLIER	DETAIL	SPECIFICATION
1	Floor	Stresscrete	Steel Reinforced concrete	Slab thickness 6 5/16"/5 1/8" steel reinforced concrete
2	Walls	Galvanised steel frame	Electro Plated Duragalv	3/16" & 1/8" thick electroplated galvanised steel
3	Roof Frame	Galvanised steel frame	Electro Plated Duragalv	3/16" & 1/8" thick electroplated galvanised steel

EXTERIOR LININGS

#	ITEM	SUPPLIER	DETAIL	SPECIFICATION
4	Wall Cladding	Fibre Cement Solutions Ltd	Eterpan MD Fibre cement sheet	1/2" & 11/16" Fibre cement laminated sheet
5	Roof	MetalCraft	MetecnoSpan (PIR)	3-1/8" panel M 4880 Approved Class 1 - Unlimited Height. FM 4881 Approved Class 1 - Unlimited Height. FM 4471 Approved Class 1 -External roof and wall endurance standard.
6	Gutter & Flashings	Steel & Tube	Coloursteel	10 -15 years warranty under right maintenence plan
7	Vent Pipes	Ferguson	Schedule 40 Pipe & Fittings	4" Schedule 40 pipe and fittings for drain waste and vent applications
8	Doors	Cavity Sliders	Stainless steel T316 Brushed	Stainless steel sheet skin with alloy interior
9	Paint	Altex	Epoxy 2 part paint	5 - 10 years warranty under the right maintenance plan
10	Grills	Exeloo	Solid grills cut and folded by Exeloo	T316 Stainless Steel Brused #4

INTERIOR LININGS

#	ITEM	SUPPLIER	DETAIL	SPECIFICATION
11	Wall Cladding	Fibre Cement Solutions Ltd	Eterpan MD Fibre cement sheet	1/2" & 11/16" Fibre cement laminated sheet
12	Floor Finish	Cutting Edge Tiling	Brasil Nero Charcoal	Ceramic Non Slip tiles 17 11/16" x 17 11/16"
14	Wall linings - Toilet/Shower	Cutting Edge Tiling	Sanctuary Cool White	Ceramic tiles 11 13/16" x 23 5/8"

ELECTRICAL FITTINGS

#	ITEM	SUPPLIER	DETAIL	SPECIFICATION
16	Control Box	PLC Power	PLC Control Box	Proface LT3300-T

PLUMBING FITTINGS

#	ITEM	SUPPLIER	DETAIL	SPECIFICATION
19	Toilet pans	Stoddart	Stainless steel	23 5/8" - 27 9/16" stainless pans.
20	Zurn Valve	MacDonald Industries	Flushing system	1.28gal (4.8L) max. per flush
21	Water supply system	Mico	Stainless steel crimp ring plumbing system	RIIFO Rifeng Pex Pipe & MLP (multilayer pipes) – DZR Universal Fittings
22	Waste water system (DWV)	Ferguson	Schedule 40 Pipe and Fittings	1-1/2" to 4" Schedule 40 pipe and fittings for drain waste and vent applications
23	WS 400	Duraclenz	Stainless Steel recessed unit	Soap, Water & hand dryer built in wash station, Lavatory Faucet 0.5gpm (max.) @ 60psi (1.9L/m @ 414kPa)
24	Flush Valve Water Solenoid	SMC	SIRAI L177B04	PS = 30 bar

HARDWARE

#	ITEM	SUPPLIER	DETAIL	SPECIFICATION
25	Door hardware	Legge	Legge 800 Series	Forged Brass and 10 year warranty
26	Grab rails	Superquip	Stainless Steel	1 1/4" knurled stainless grab rails

SEATING & TABLES

#	ITEM	SUPPLIER	DETAIL	SPECIFICATION
27	Baby Change table	Duraclenz	Stainless Steel & fibreglass inserts	Weight limit 187lbs

ACCESSORIES

#	ITEM	SUPPLIER	DETAIL	SPECIFICATION
30	Floor Dry Fans	Fantech	CEG MN80C2 - 0MLT	1.5kw 230V
31	Extract Fans	Fantech	Fantech FR150 USA	120V CFM 263
32	Exterior Lights	Dualcom Technology Ltd	Battenpro-300-12V LED SMD2835	1000Lm 10W IP65
33	Interior Lights	Dualcom Technology Ltd	Battenpro-600-12V LED SMD2835	2000Lm 20W IP65
34	Speakers	VEXX	For music & instruction	5" speaker
35	Security System	Intergrated Consulting	Dahua Starlight pinhole camera	2MP HDCVI covert camera with 3.6mm lens
36	Paper Dispenser	Duraclenz	Stainless Steel EMD8200RH	Dual roll holder
37	Nappy / Sani chute	Duraclenz	Hinged flap chute	Stainless Steel T304 Brushed

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				Drawing No: ASJUP22DD-US1BON

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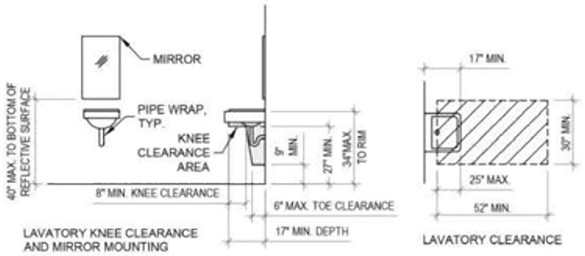
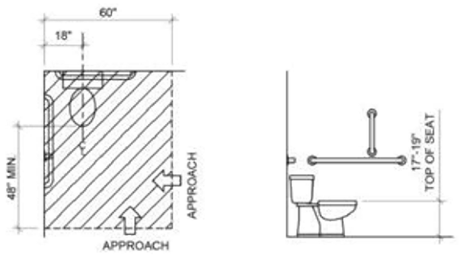
STANDARD DETAILS

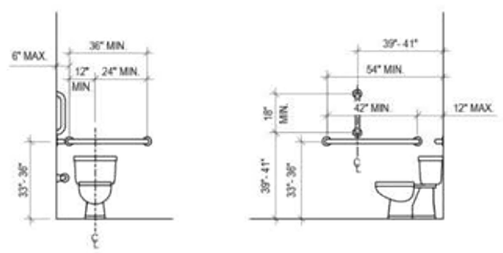
PLUMBING FIXTURES



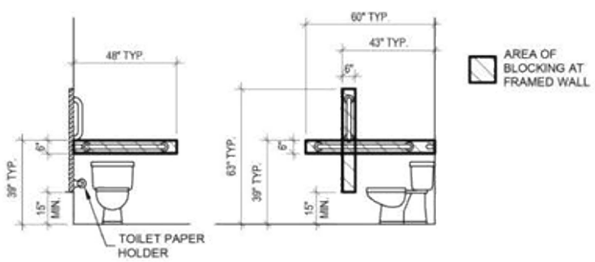
CLEARANCE AT LAVATORIES AND SINKS — ANSI FIGURE C606.2(a) AND FIGURE 306.2



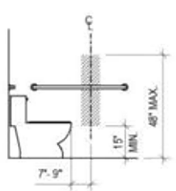
CLEARANCE AT WATER CLOSETS AND HEIGHT — ANSI FIGURE 604.3 AND FIGURE 604.4



GRAB BARS AT WATER CLOSETS — ANSI FIGURE 604.5.1 AND FIGURE 604.5.2



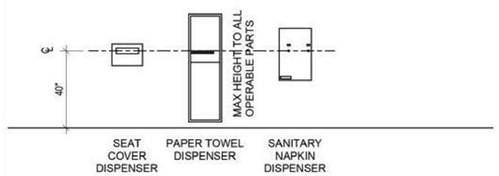
BLOCKING AT WATER CLOSET GRAB BARS



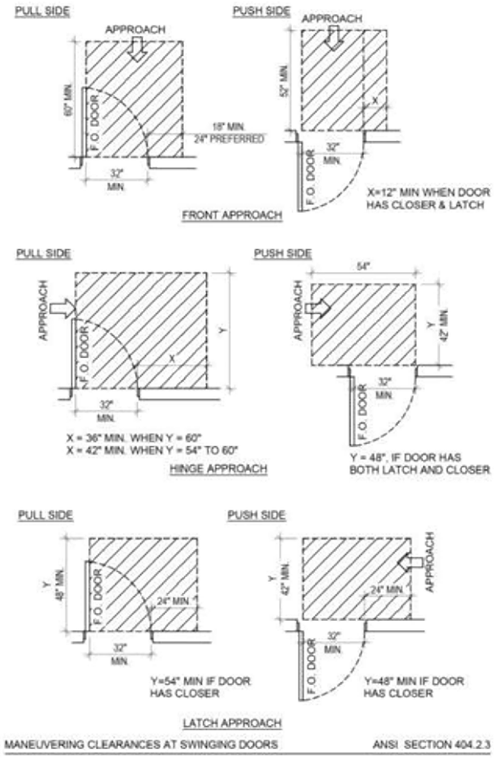
TOILET PAPER DISPENSER OUTLET LOCATION — FIGURE 604.7

WALL MOUNTED DEVICES AND APPLIANCES

NOTE:
1. WALL MOUNTED DEVICES SHALL NOT EXTEND MORE THAN 4" BEYOND WALL SURFACE WHEN LOCATED BELOW 6'-8"

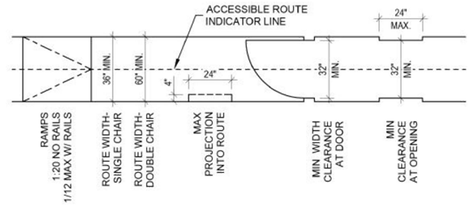


DOORS

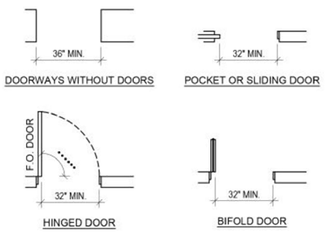


MANEUVERING CLEARANCES AT SWINGING DOORS — ANSI SECTION 404.2.3

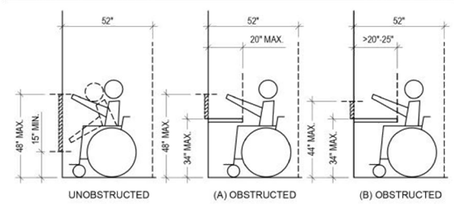
CLEARANCES



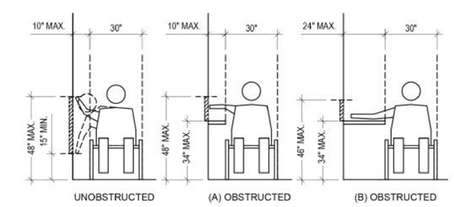
CLEAR WIDTH OF AN ACCESSIBLE ROUTE — ANSI FIGURE 403.5 AND FIGURE C403.5



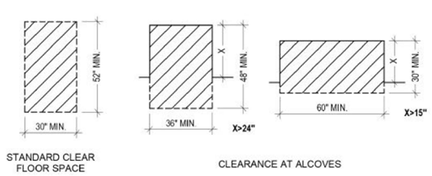
CLEAR WIDTH OF DOORWAYS — ANSI FIGURE 404.2.2



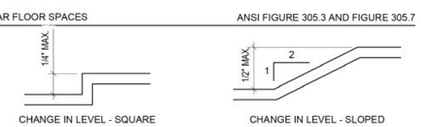
FORWARD REACH REQUIREMENTS — ANSI FIGURE 308.2.1 AND FIGURE 308.2.2



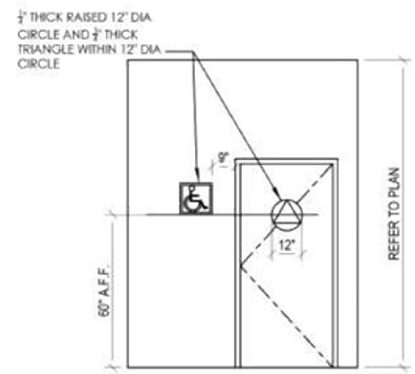
SIDE REACH REQUIREMENTS — ANSI FIGURE 308.3.1 AND FIGURE 308.3.2



CLEAR FLOOR SPACES — ANSI FIGURE 305.3 AND FIGURE 305.7



LEVEL CHANGE ON ACCESSIBLE ROUTE — ANSI FIGURE 303.2 AND FIGURE 303.3



1. PROVIDE GEOMETRIC SYMBOLS ON RESTROOM
COLOR AND CONTRAST SHALL BE IDENTIFIED FROM THE COLOR AND CONTRAST OF THE DOOR.
2. ALSO PROVIDE SIGNAGE WITH RAISED LETTERING AND BRAILLE
LOCATED ON THE WALL ADJACENT TO THE STRIKE
THE RESTROOM.

DOOR SIGNAGE ELEVATION

N.T.S.

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SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTICE

JUPITER | TWIN ACCESSIBLE | USA

REV	DESCRIPTION	DATE
1-H	CONTROL BOX, AUX CONTROL BOX LAYOUT & LOAD TABLE	15/010/2020
1-G	BABY CHANGE TABLE & HAND RAIL COMPLIANCE	05/08/2020
1-F	PLAN REVISION AS PER HCD MARKUP 11/6/2020	10/07/2020
1-E	INCREASE SLAB 2in (50mm) OVERALL	03/04/2020
1-D	PLAN REVISION AS PER HCD MARKUP 15/8/2019	30/08/2019
1-C	ELONGATED TOILET PANS	03/12/2018
1-B	700mm PANS	14/11/2018
1-A	UPDATED FROM COMMENTS 18/10/2018	18/10/2018

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Australia
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USA
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PO Box 13310 San Luis Obispo CA 93406
T: (800) 676-5290 or 1-800-303-3506

Description:	Proj:	Units:	Rev.	Rev Date.
JUPITER TWIN ACCESSIBLE USA		in	1-H	24/08/2022
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. G 3
				Drawing No: **ASJUP22DD-US1BON**

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SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTICE

REAR PERSPECTIVE

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Tolerance:	Scale:	Checked by:	Approved by:
+/-0.5	N.T.S.		

Material:	Finish:	Drawn by:	Creation Date:	Sheet No.	Drawing No:
	REF	JJG	16/04/2012	G 4	ASJUP22DD-US1BON

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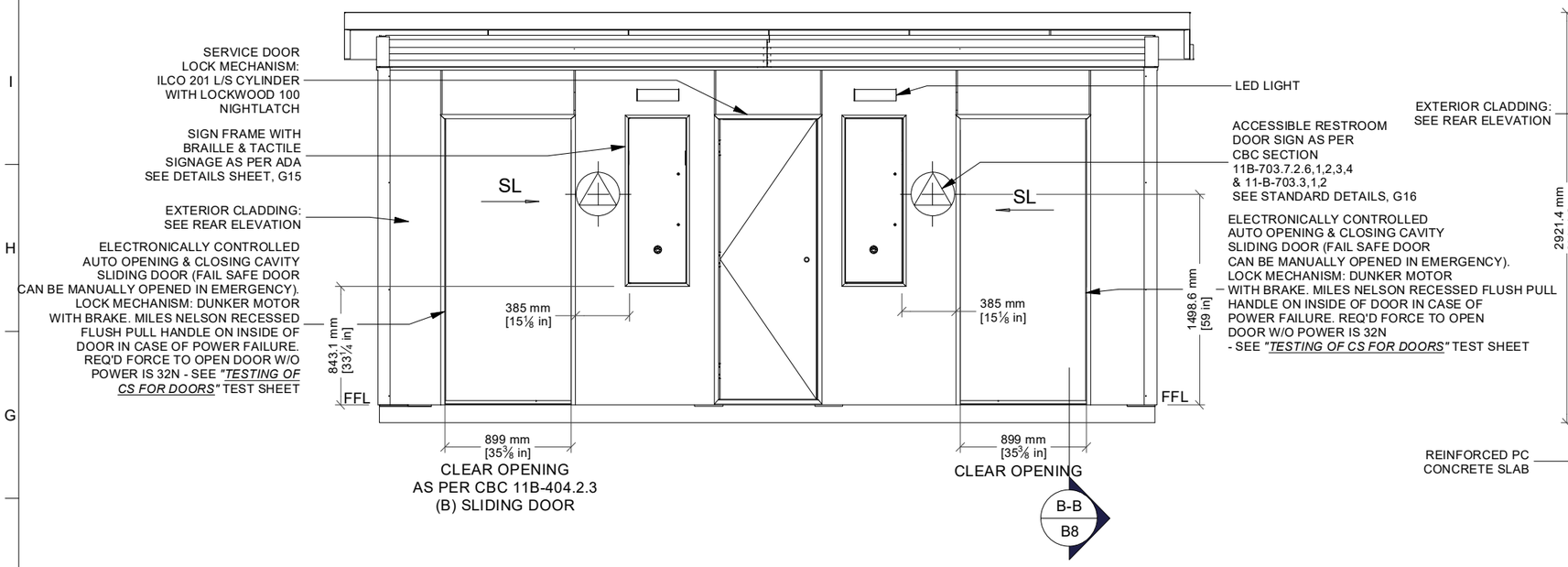
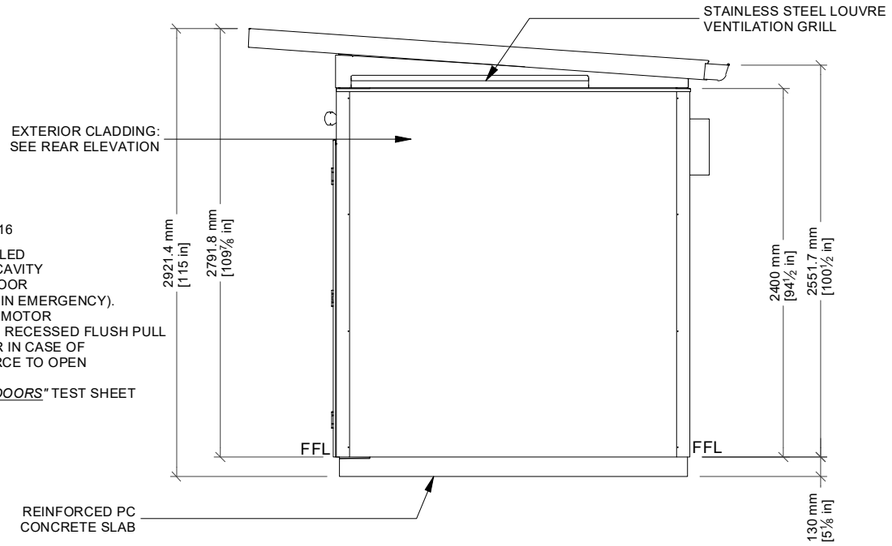
4. FRONT ELEVATION

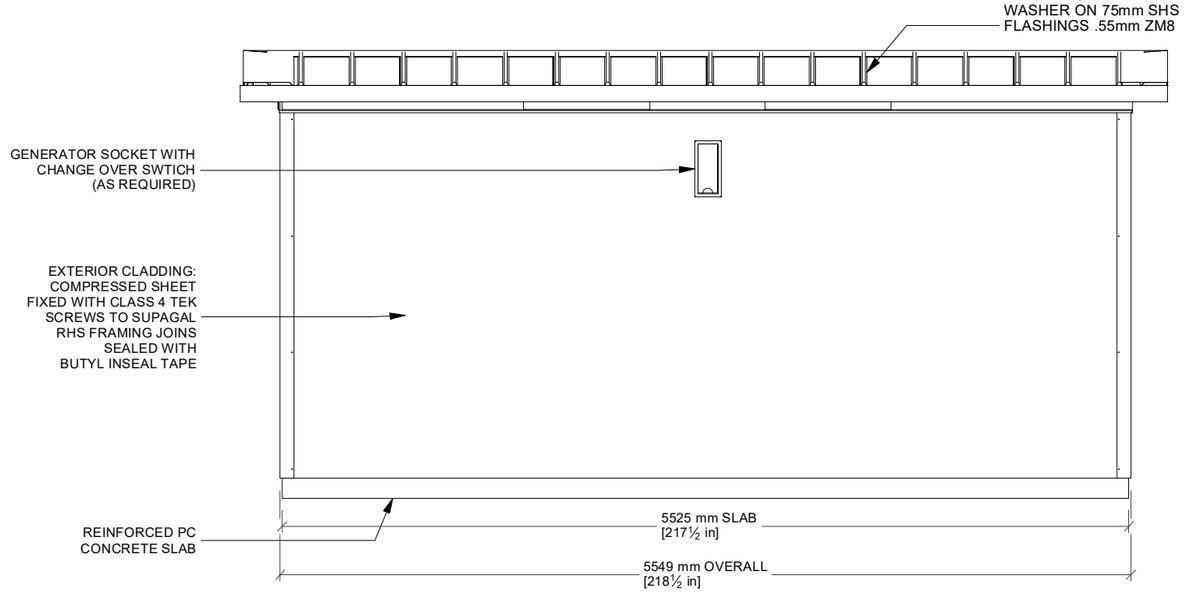


2. R-H ELEVATION

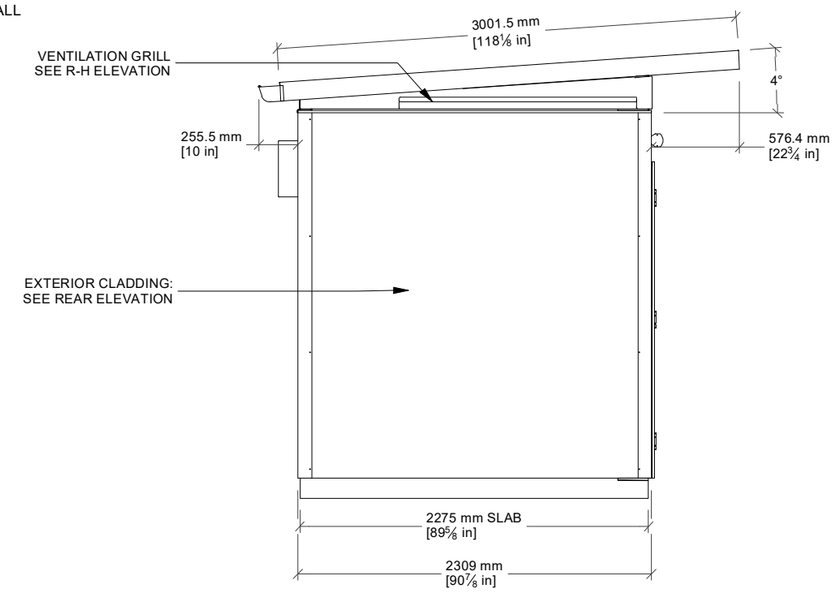


3. REAR ELEVATION

ROOFING: 3⅛" METECONOSPAN (PIR) STRUCTURAL INSULATED PANEL FIXED WITH STEEL TITE HWF CLASS 5 14g 14x150mm TEK SCREW WITH AS 3566/EPDM SEAL, PAINTED GALVANISED PROFILE WASHER & 30mm EPDM WASHER ON 75mm SHS SUPAGAL ROOF RAFTERS ALL FLASHINGS .55mm ZM8



1. L-H ELEVATION



THE UNISEX GEOMETRIC SYMBOL WITH THE PICTOGRAM, RAISED CHARACTERS AND GRADE II BRAILLE IS LOCATED FOR CLEAR AND SAFE ACCESS AND MOUNTED ADJACENT TO THE PUBLIC RESTROOM ACCESSWAYS.

NOTE:
NO BRAILLE ON SIGNS OR BUTTONS BETWEEN FFL & 48" ABOVE FFL

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Description:	Proj:	Units:	Rev.	Rev Date.
JUPITER TWIN ACCESSIBLE USA		in	1-H	24/08/2022
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. B 5
				Drawing No: ASJUP22DD-US1BON

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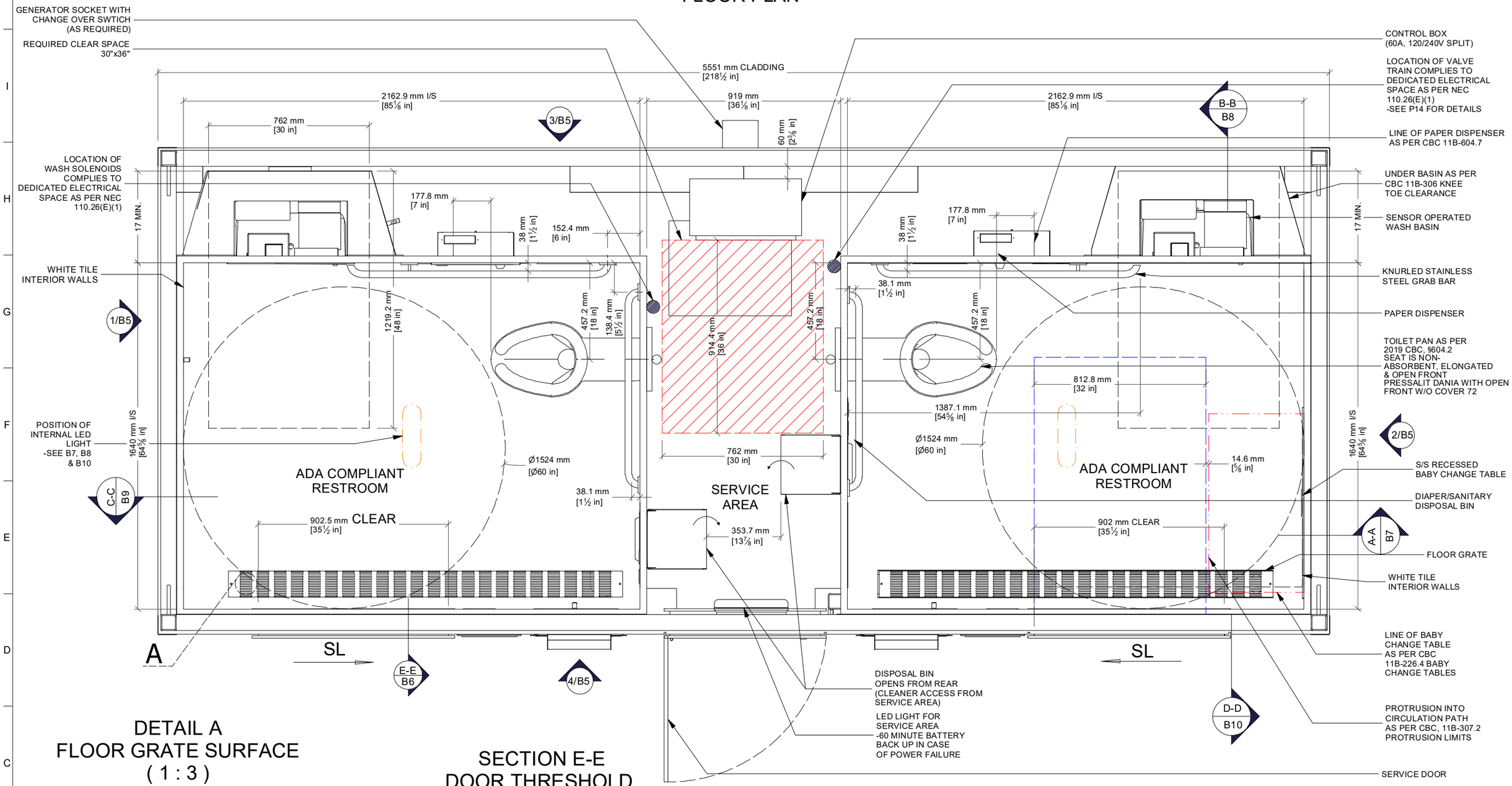
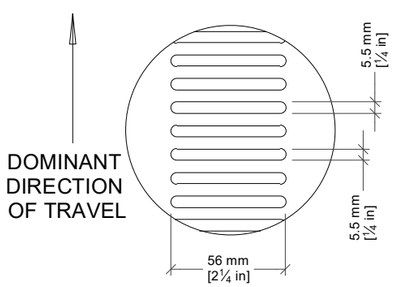
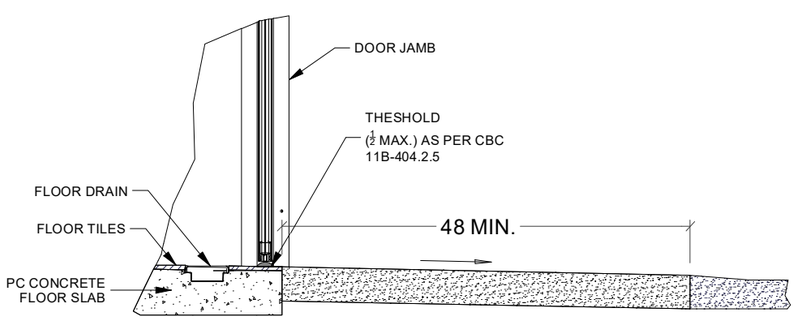
FLOOR PLAN



DETAIL A
FLOOR GRATE SURFACE
(1 : 3)



SECTION E-E
DOOR THRESHOLD



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Description:	Proj:	Units:	Rev.	Rev Date.
JUPITER TWIN ACCESSIBLE USA		in	1-H	24/08/2022
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. B 6
				Drawing No: ASJUP22DD-US1BON

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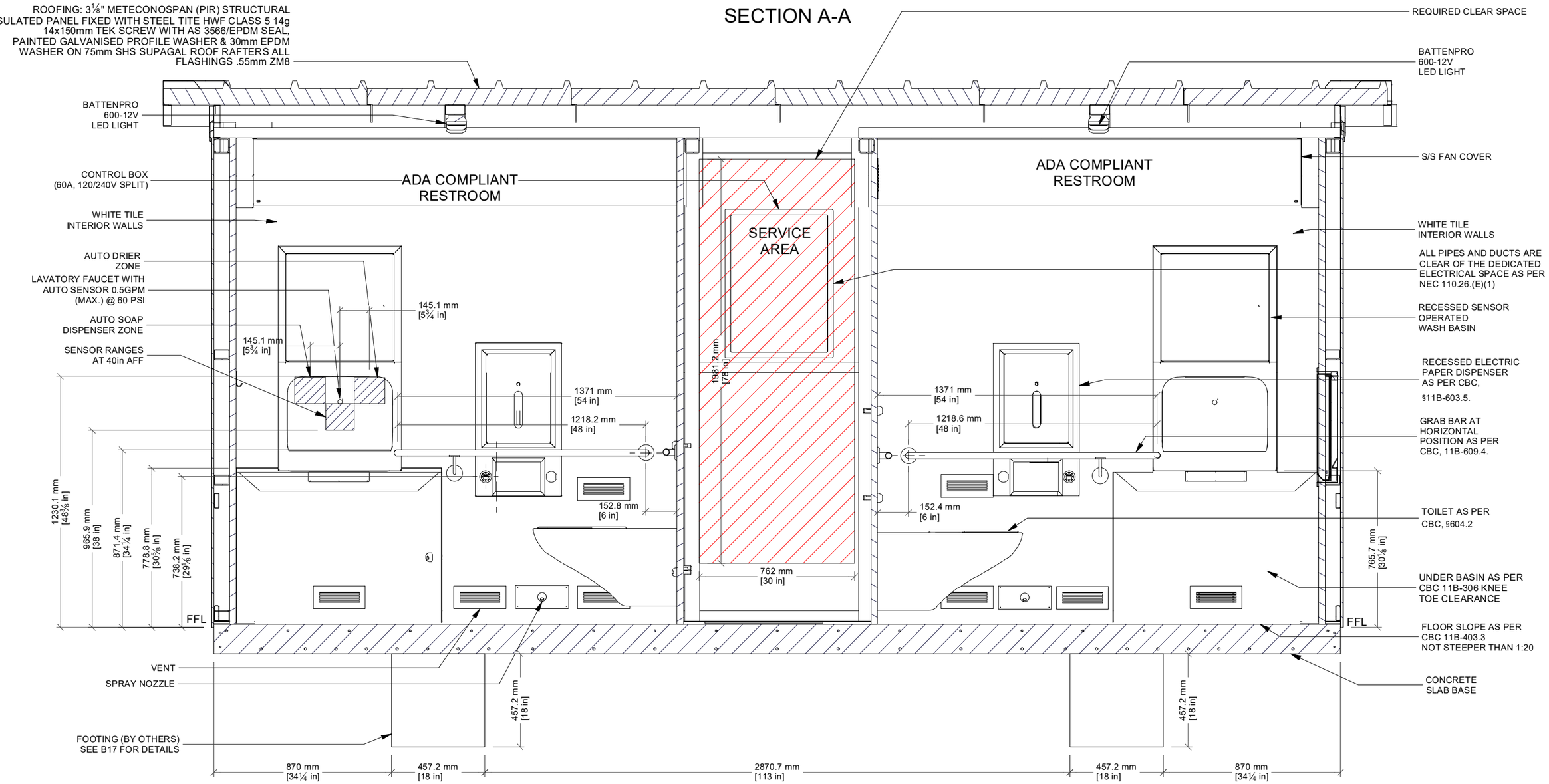
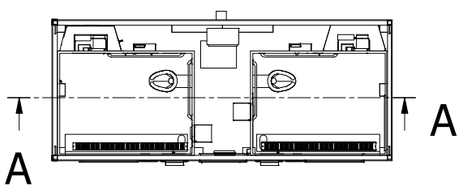
SECTION A-A



TOP VIEW



NOTE:
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Description: JUPITER TWIN ACCESSIBLE USA	Proj:	Units: in	Rev. 1-H	Rev Date. 24/08/2022	
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:	
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. B 7	Drawing No: ASJUP22DD-US1BON

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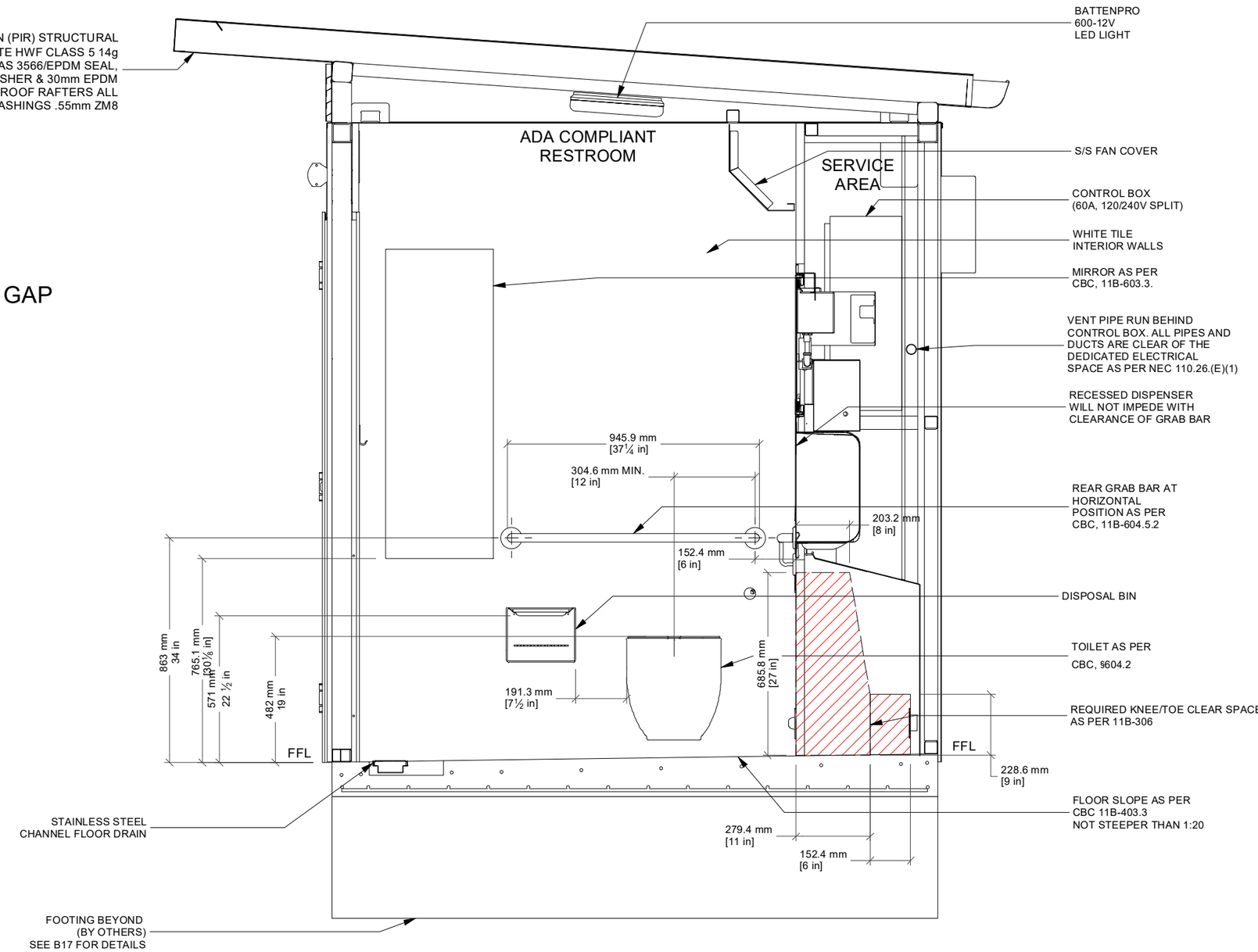
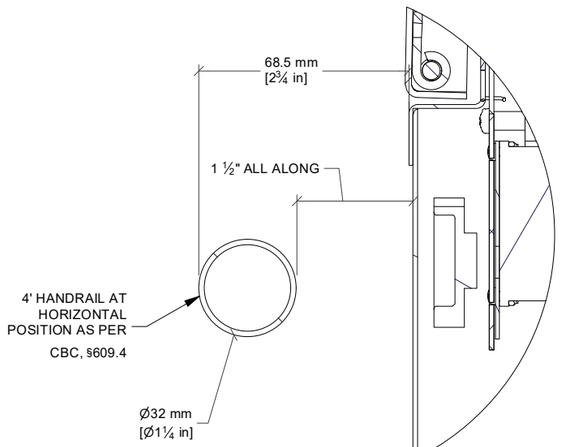
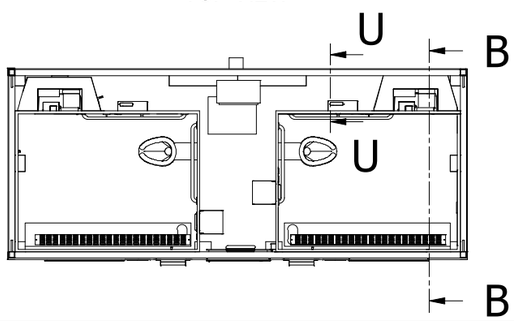
SECTION B-B



SECTION DETAIL U
PAPER DISPENSER-HANDRAIL GAP



TOP VIEW



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Description: JUPITER TWIN ACCESSIBLE USA		Proj:	Units: in	Rev. 1-H	Rev Date. 24/08/2022
		Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. B 8	Drawing No: ASJUP22DD-US1BON

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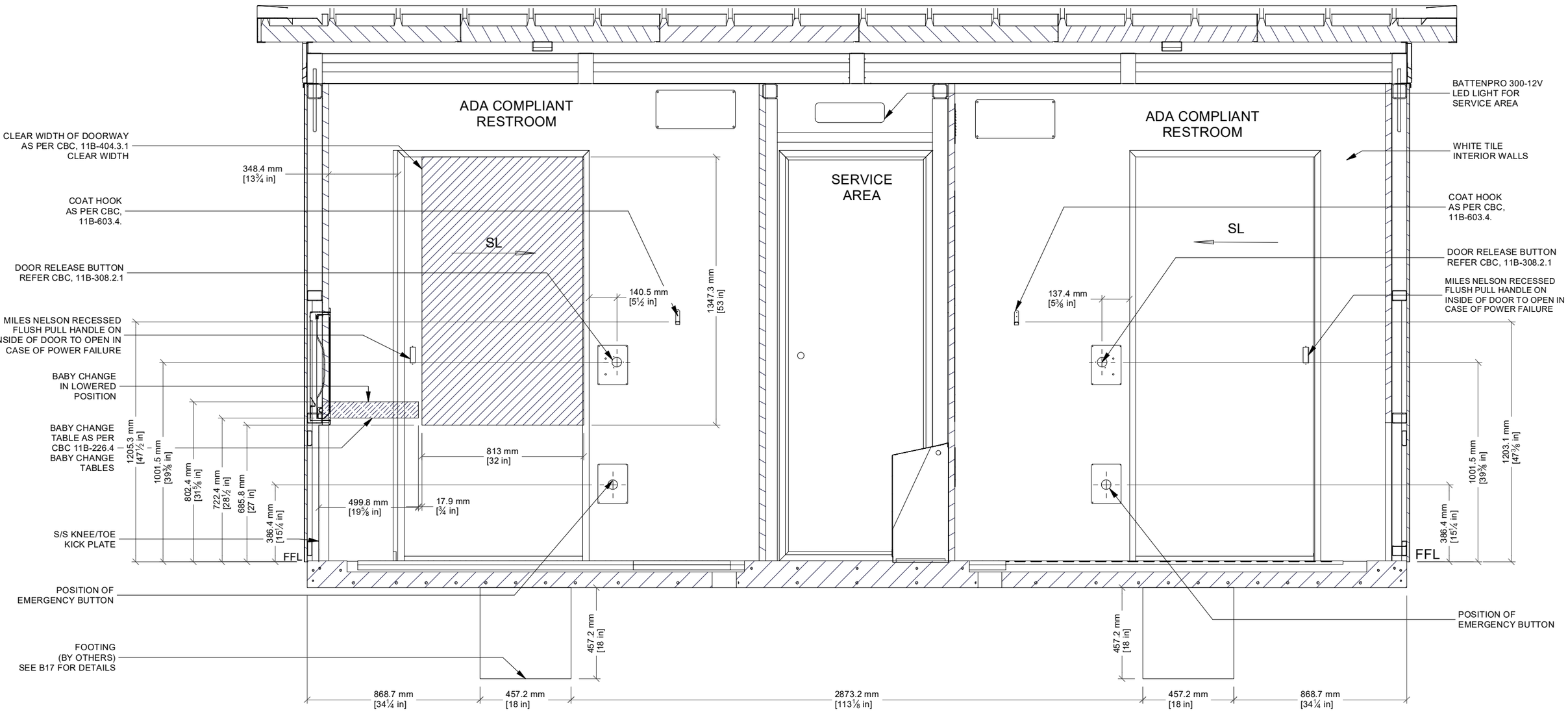
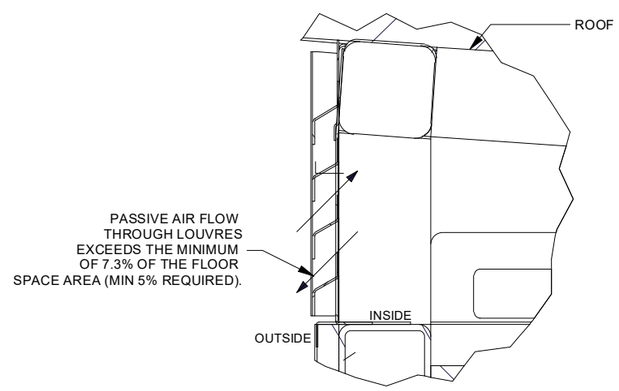
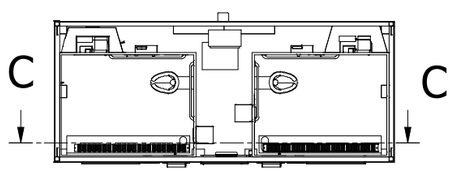
SECTION C-C



PASSIVE AIR FLOW REQUIREMENT



TOP VIEW



NOTE:
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Description:	Proj:	Units:	Rev.	Rev Date.
JUPITER TWIN ACCESSIBLE USA		in	1-H	24/08/2022
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. B 9
				Drawing No: ASJUP22DD-US1BON

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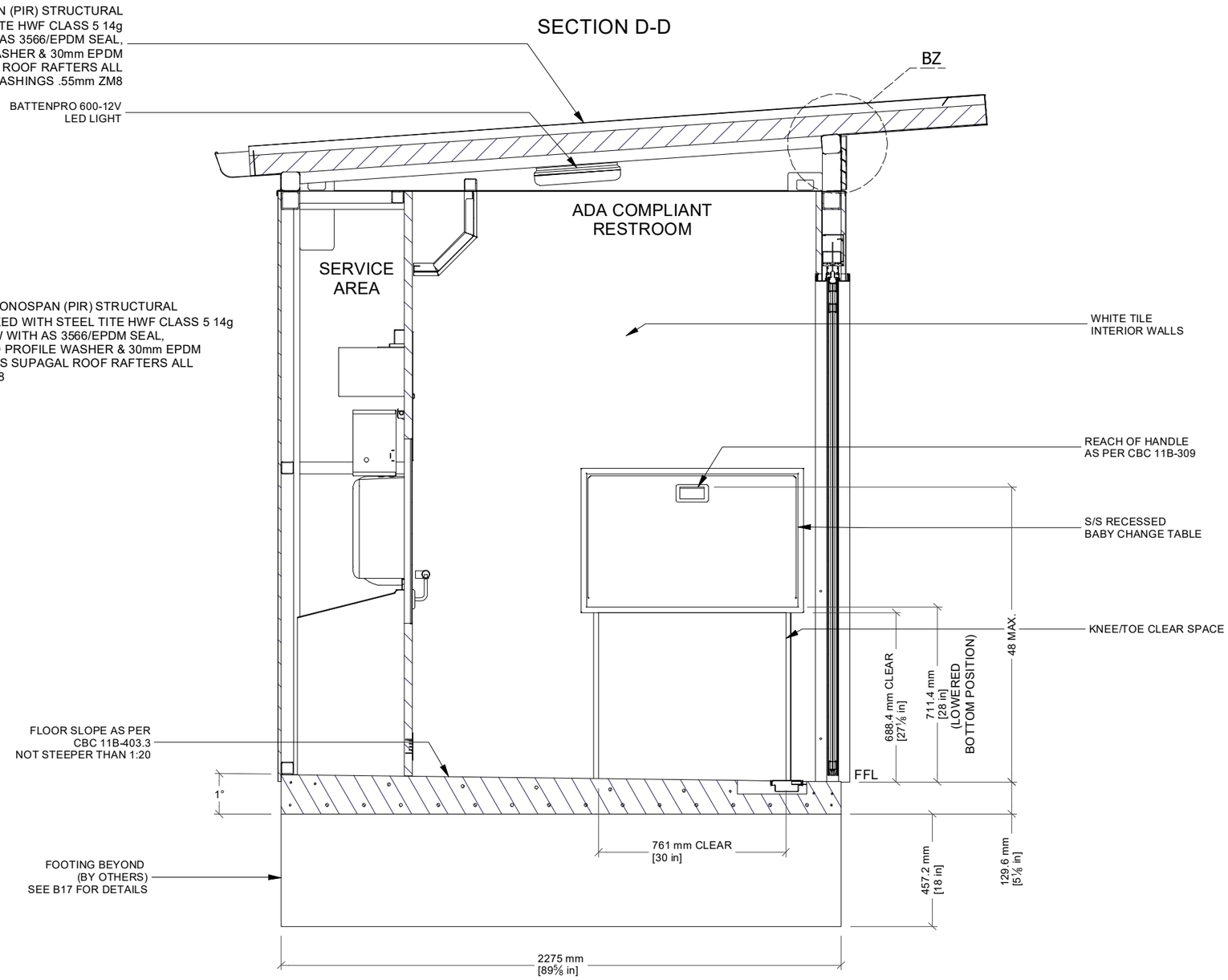
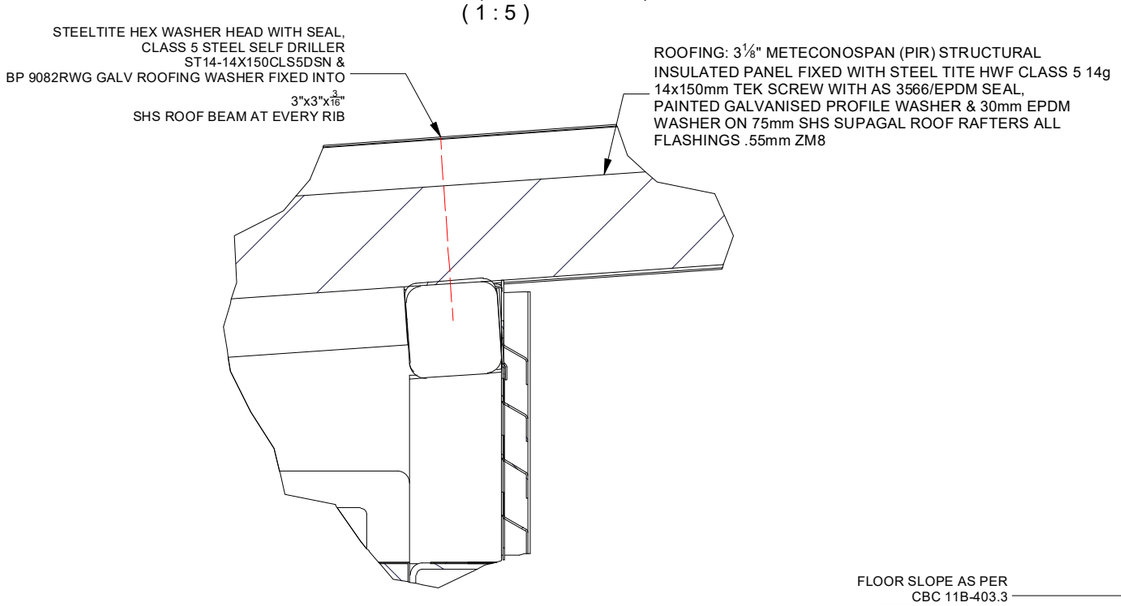
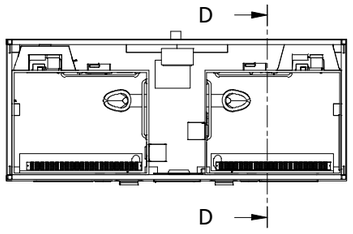
SECTION D-D



DETAIL BZ
SIP PANEL FIXING INTO ROOF BEAM (FRONT & REAR)
(1 : 5)



TOP VIEW



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Tolerance:	Scale:	Checked by:	Approved by:
+/-0.5	N.T.S.		

Material:	Finish:	Drawn by:	Creation Date:	Sheet No.	Drawing No:
	REF	JJG	16/04/2012	B 10	ASJUP22DD-US1BON

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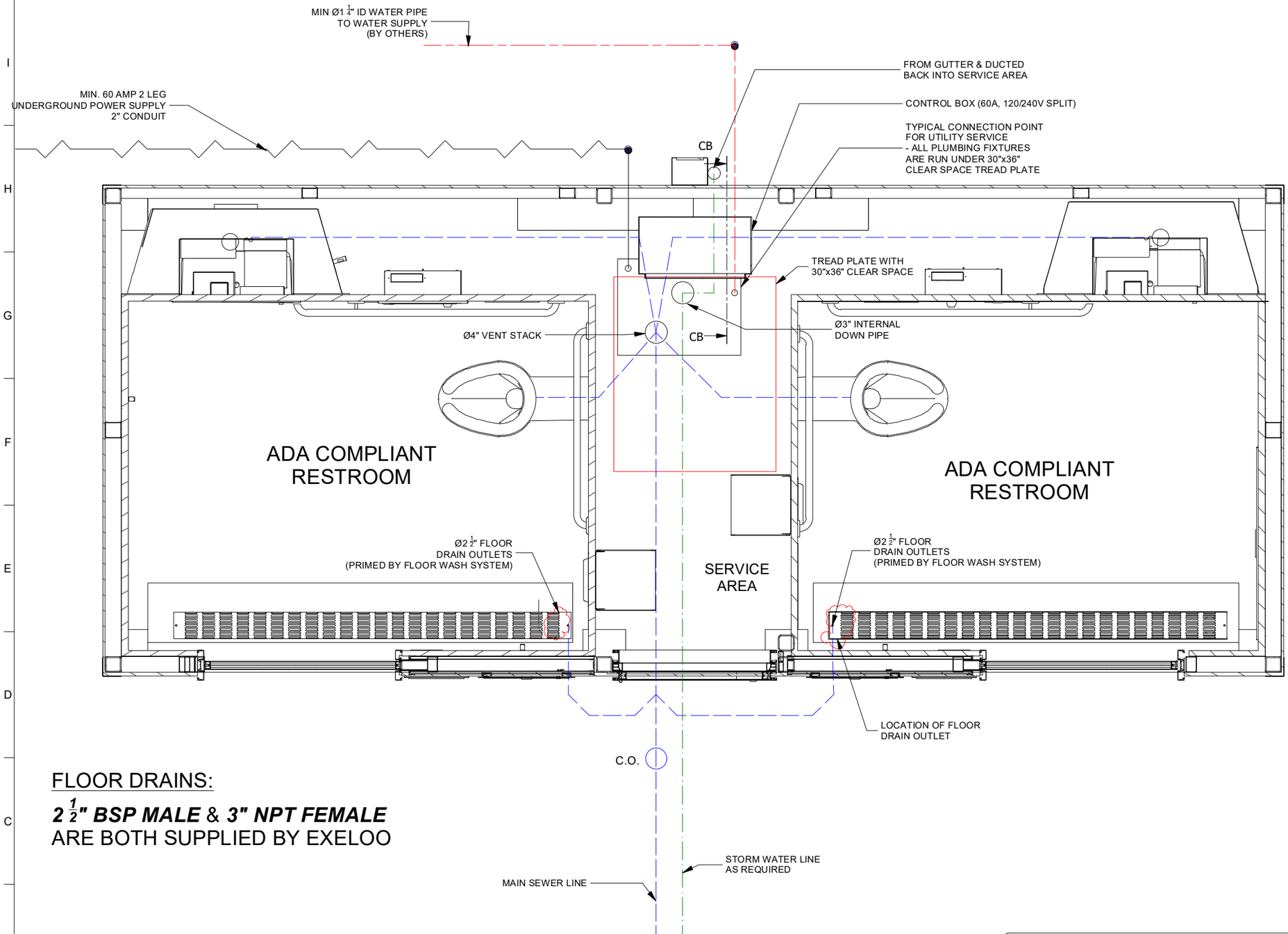
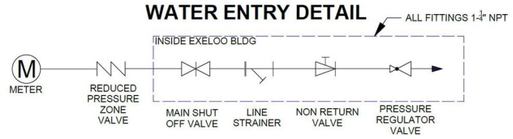
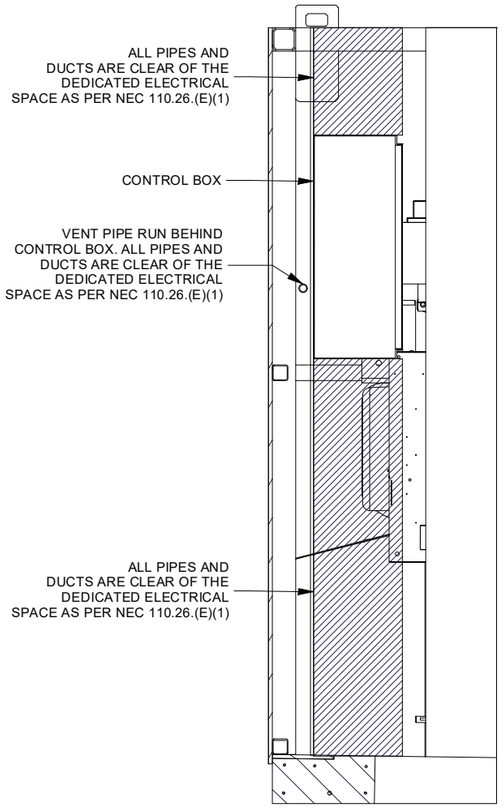
SCHEMATIC SERVICES PLAN



WATER ENTRY DETAIL



SECTION CB-CB
DEDICATED ELECTRICAL CLEAR SPACE



FLOOR DRAINS:

2 1/2" BSP MALE & ***3" NPT FEMALE***
ARE BOTH SUPPLIED BY EXELOO

NOTE:
1. THIS DIAGRAM IS A VISUAL REPRESENTATION AND INDICATIVE ONLY - NOT TO SCALE
2. CIVIL CONTRACTOR/ENGINEER IS RESPONSIBLE FOR PROVIDING CONNECTIONS TO THE UNIT.

Exeloo Corp. does not guarantee that information shown on these drawings indicate any more than the presence or absence of such services and will not accept liability for any damage or losses caused to any party, by the actions of the Contractor or its agents and subcontractors. The Contractor is required to make its own investigations, contact all service providers and verify the type and location of all services prior to commencement of any construction work on site.

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Description:	Proj:	Units:	Rev.	Rev Date.
JUPITER TWIN ACCESSIBLE USA		in	1-H	24/08/2022
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. B 11	Drawing No: ASJUP22DD-US1BON

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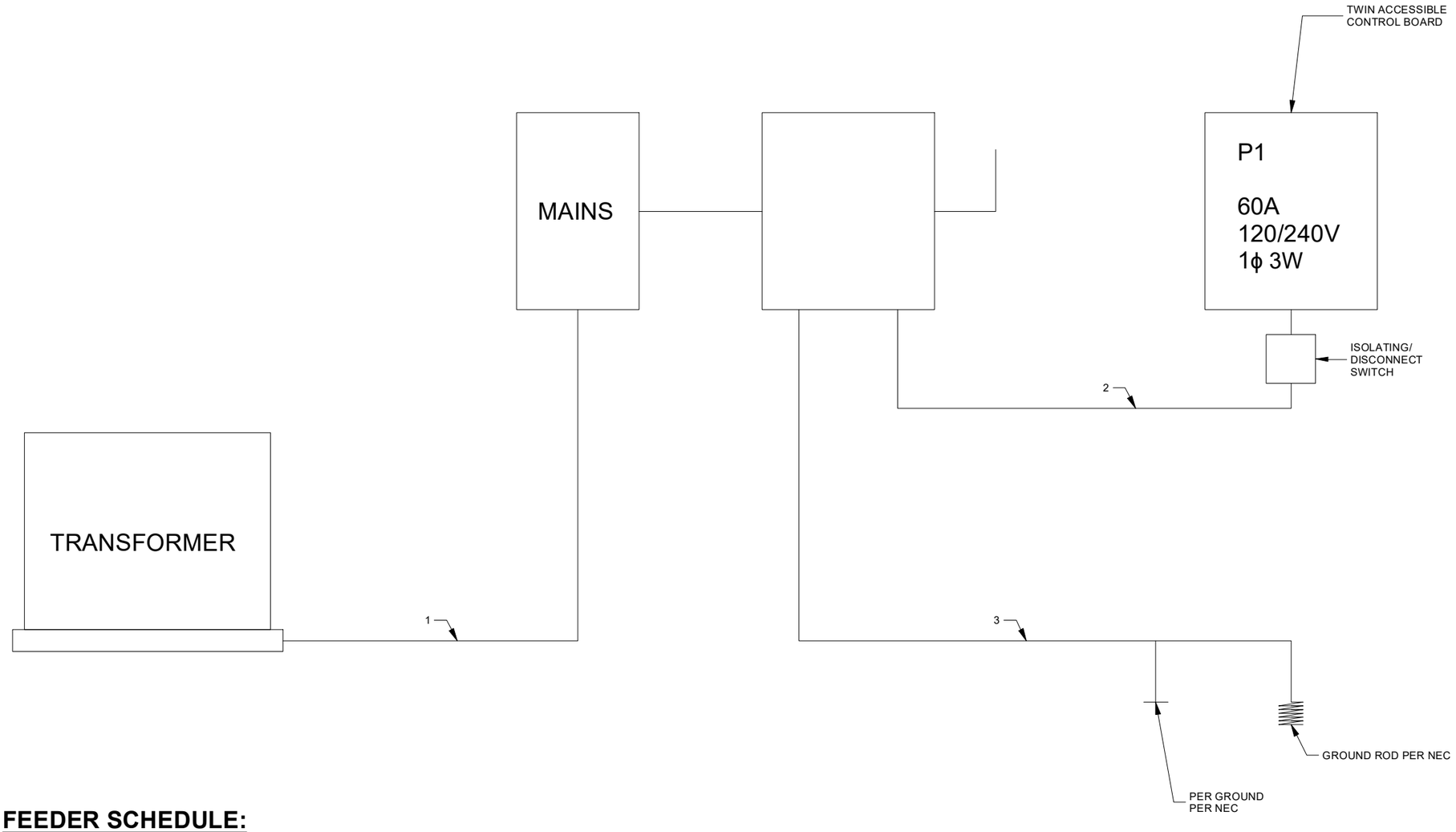
ONE LINE DIAGRAM



FEEDER SCHEDULE:

SIZE REQUIREMENTS TO MEET P1 CONTROL BOARD SPECIFICATIONS

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Tolerance:	Scale:	Checked by:	Approved by:
+/-0.5	N.T.S.		

Material:	Finish:	Drawn by:	Creation Date:	Sheet No.	Drawing No:
	REF	JJG	16/04/2012	B 12	ASJUP22DD-US1BON

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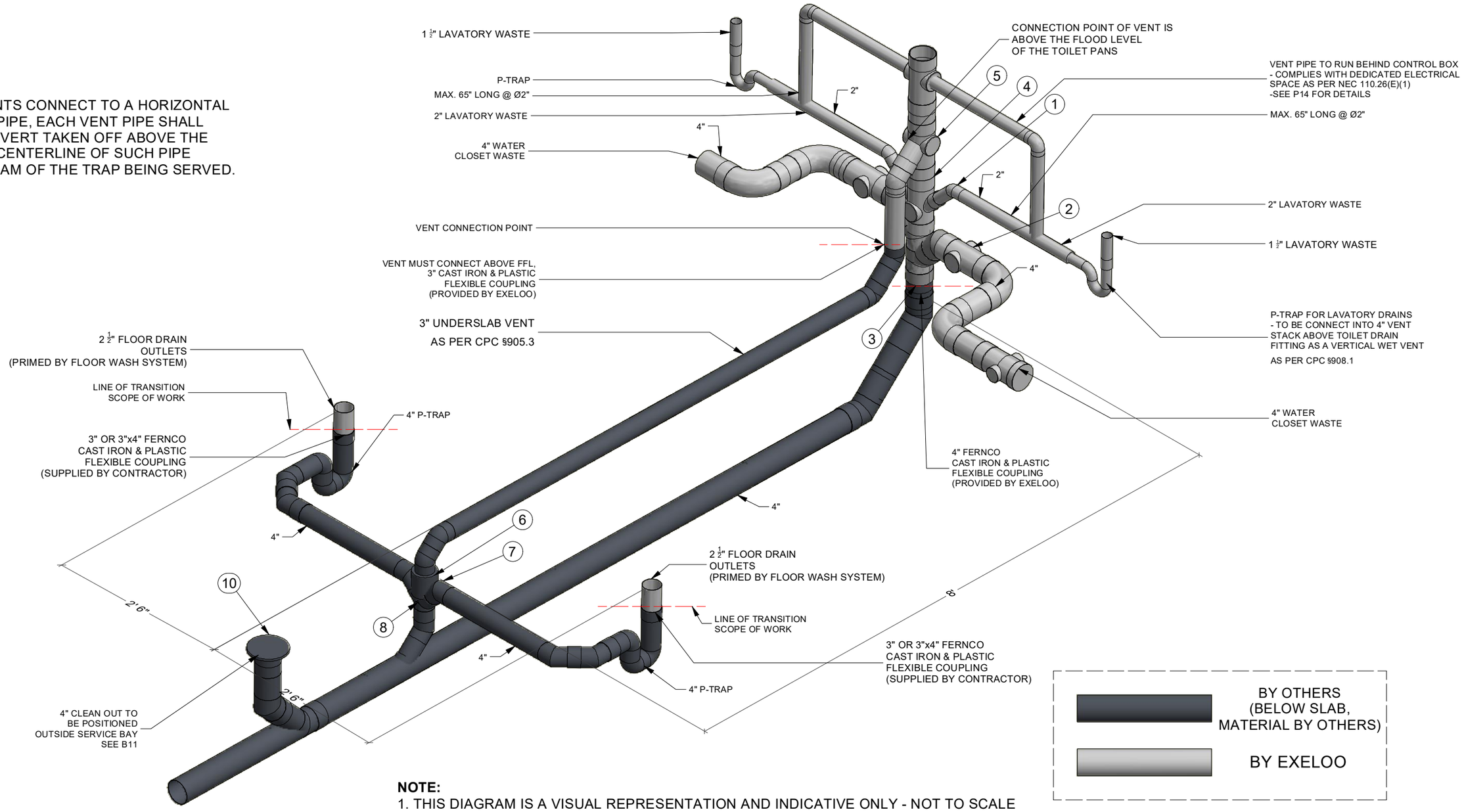
ISOMETRIC - WASTEWATER JUPITER DD US
SINGLE UNDERSLAB FLOOR VENT

CPC §905.2.
WHERE VENTS CONNECT TO A HORIZONTAL DRAINAGE PIPE, EACH VENT PIPE SHALL HAVE ITS INVERT TAKEN OFF ABOVE THE DRAINAGE CENTERLINE OF SUCH PIPE DOWNSTREAM OF THE TRAP BEING SERVED.



NOTE:
1. THIS DIAGRAM IS A VISUAL REPRESENTATION AND INDICATIVE ONLY - NOT TO SCALE

Parts List		
ITEM	EXELOO DESCRIPTION	MATERIAL
1	2" STREET 45	SCHEDULE 40 DWV
2	4" STREET 45	SCHEDULE 40 DWV
3	4"x4"x4"x4" DOUBLE Y	SCHEDULE 40 DWV
4	4"x4"x2"x2" DOUBLE Y	SCHEDULE 40 DWV
5	4"x3" SANI TEE	SCHEDULE 40 DWV
6	4"x4"x4"x4" DOUBLE SAN TEE	BY CONTRACTOR
7	4" COMBY	BY CONTRACTOR
8	4"x3"ADAPTOR COUPLING	BY CONTRACTOR
9	4" LONG SWEEP	BY CONTRACTOR
10	4" CLEANOUT SQUARE CAP	BY CONTRACTOR

FLOOR DRAINS:

2 ½" BSP MALE & ***3" NPT FEMALE***
ARE BOTH SUPPLIED BY EXELOO

REV	DESCRIPTION	DATE
1-B	NOTES AS PER BUREAU VERITAS MARK UP 29/01/2020	29/01/2020
1-C	REMOVE FLOOR DRAIN VENTS, 3" FLOOR DRAINS, 2" LAVATORY WASTE PIPE @ 65" MAX LENGTH	31/01/2020

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Description: JUPITER PLATINUM TWIN ACCESSIBLE US - WASTEWATER SYSTEM		Proj:	Units: in	Rev. 1-C	Rev Date. 31/01/2020
		Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 12/12/2019	Sheet No. P 13	Drawing No. JUP22DD-US-WASTE SYSTEM

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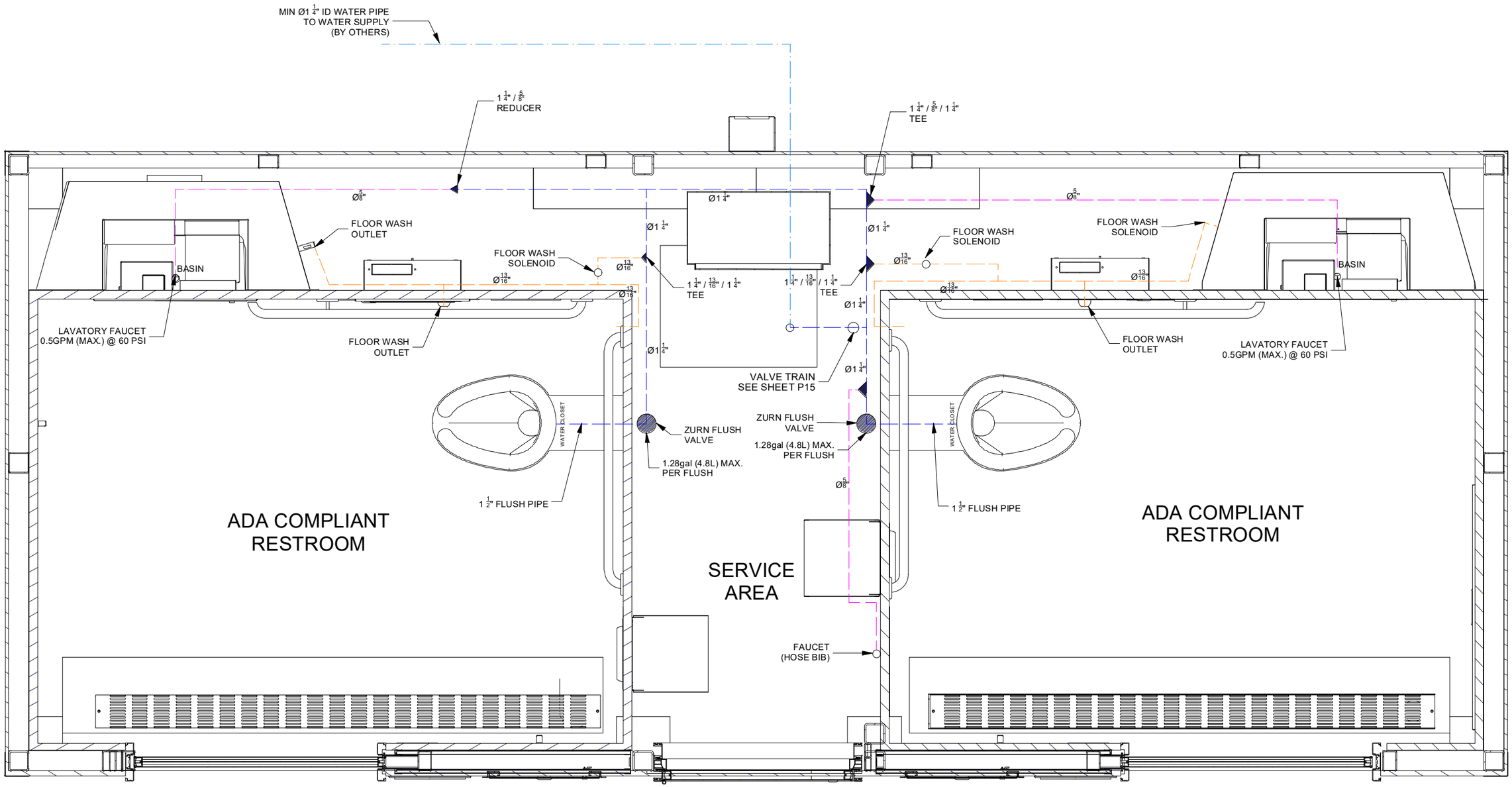
WATER SUPPLY SCHEMATIC PLAN



NOTE:
1. THIS DIAGRAM IS A VISUAL REPRESENTATION AND INDICATIVE ONLY - NOT TO SCALE
2. ALL PIPES AND DUCTS ARE CLEAR OF THE DEDICATED ELECTRICAL SPACE AS PER NEC 110.26.(E)(1)

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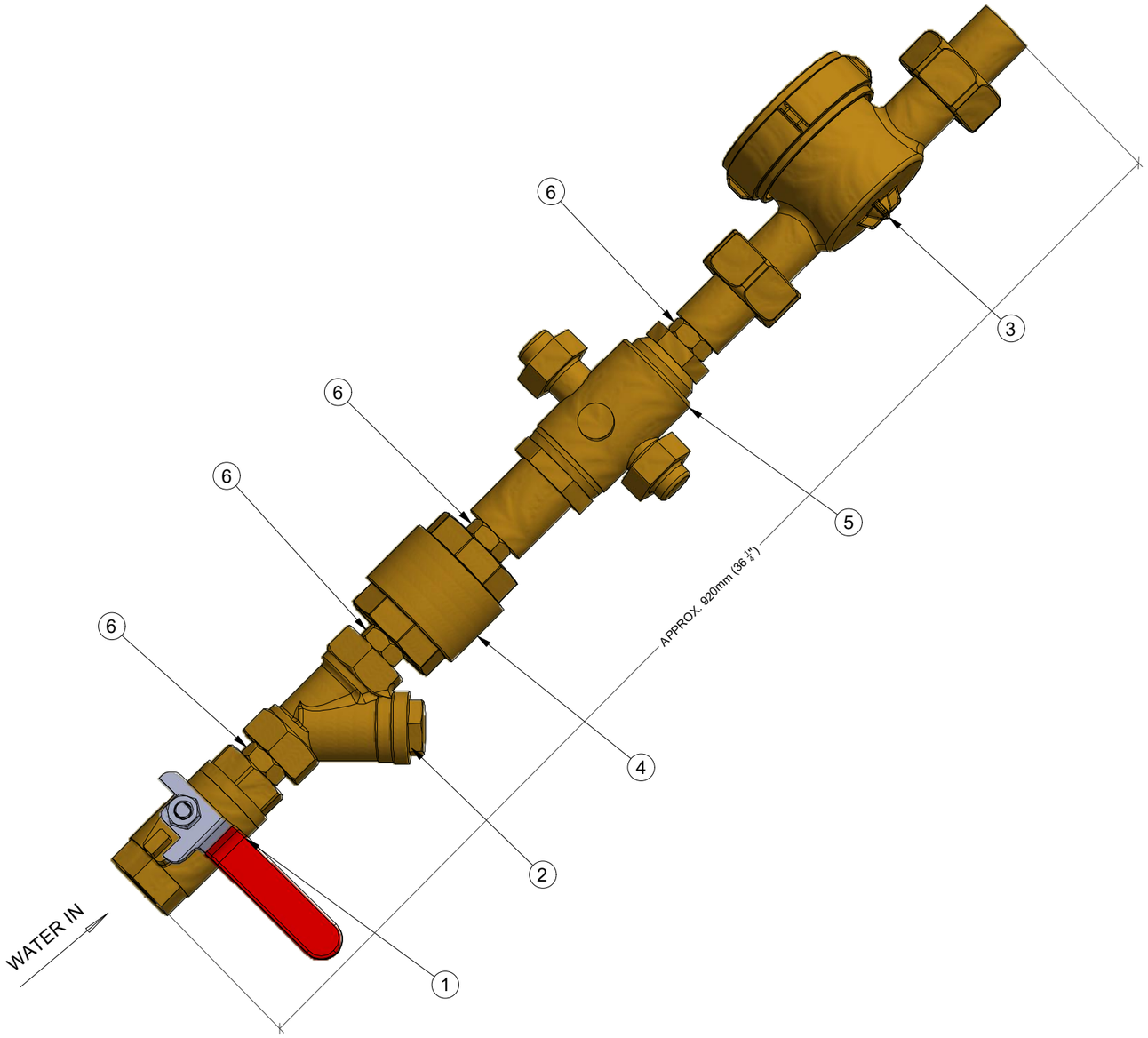
PO Box 13310 San Luis Obispo CA 93406
T: (800) 676-5290 or 1-800-303-3506

Description:	Proj:	Units:	Rev.	Rev Date.
JUPITER TWIN ACCESSIBLE USA		in	1-H	24/08/2022
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. P 14
				Drawing No: **ASJUP22DD-US1BON**

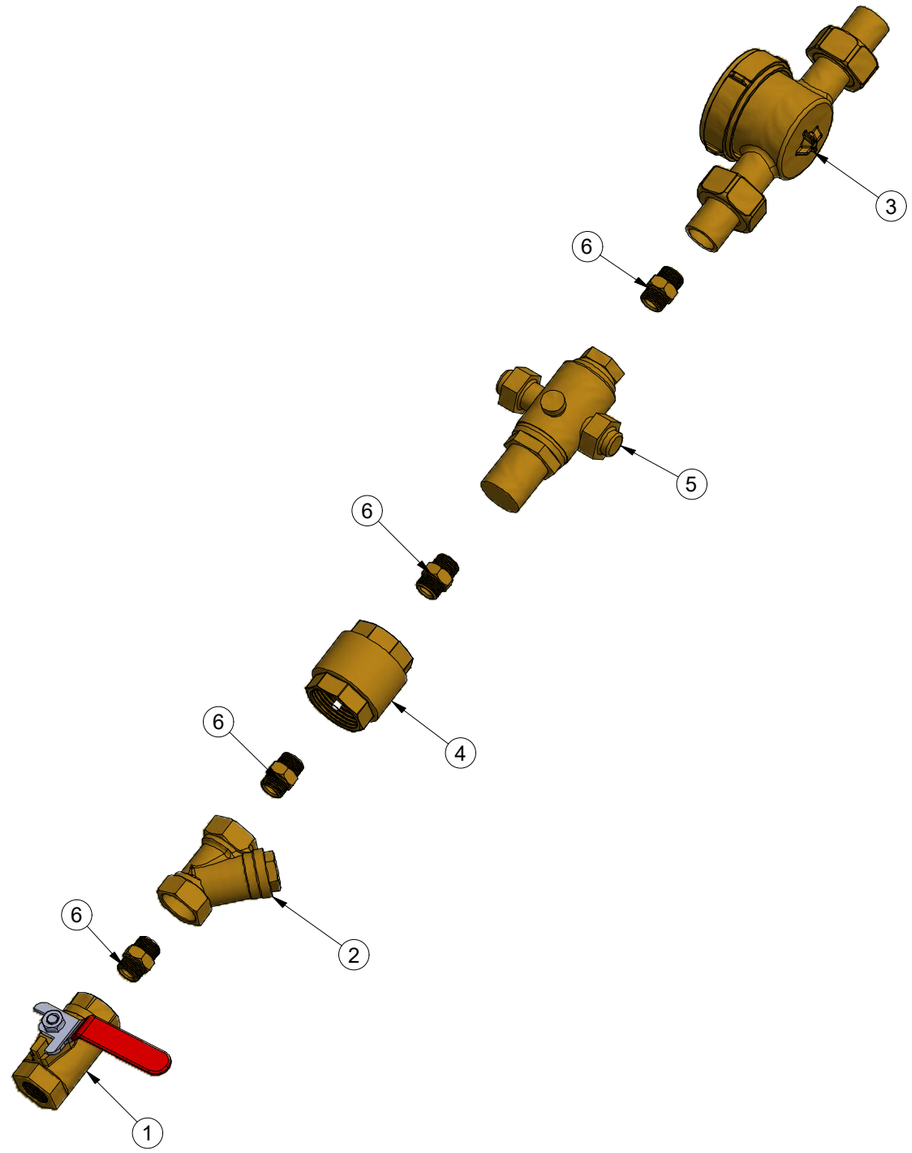
DO NOT SCALE - IF IN DOUBT ASK

SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTICE

ISOMETRIC VIEW



EXPLODED VIEW



APPROXIMATE LENGTH OF TRAIN = 920mm (36 $\frac{1}{4}$")

Parts List

ITEM	PART NUMBER	DESCRIPTION	QTY
1	5505008	VALVE TRAIN USA 1-1/4 VALVE BALL FEM/FEM LONG HANDLE WATER	1
2	5505015	VALVE TRAIN USA 1-1/4 BRONZE 150 SWP THREADED Y STRAINER	1
3	55160056	WATER METER - FOR REMOTE MONITORING (AS REQUIRED)	1
4	5505016	VALVE TRAIN USA 1-1/4 BRASS THREADED SPRING CHECK VALVE	1
5	5505013	VALVE TRAIN USA 1-1/4 BRONZE PRESSURE REDUCING VALVE FNPT X FNPT	1
6	5505017	VALVE TRAIN USA 1-1/4 X 2 BRASS NIPPLE GLOBAL	4

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Description: VALVE TRAIN ASSEMBLY - USA		Proj:	Units: in	Rev. **1-A**	Rev Date. **15/09/2021**
		Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 15/09/2021	Sheet No. P 15	Drawing No: **VALVE TRAIN - USA**

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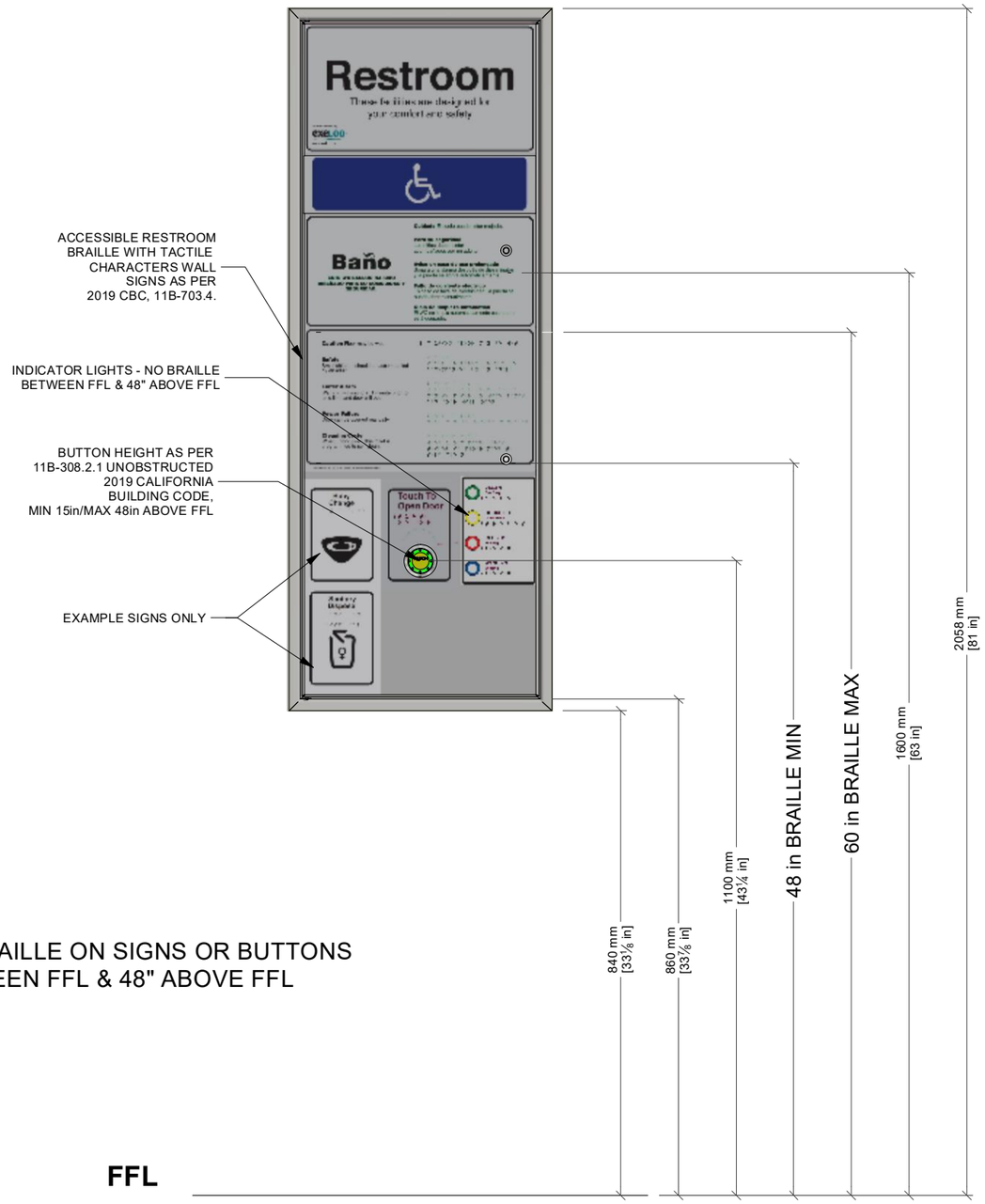
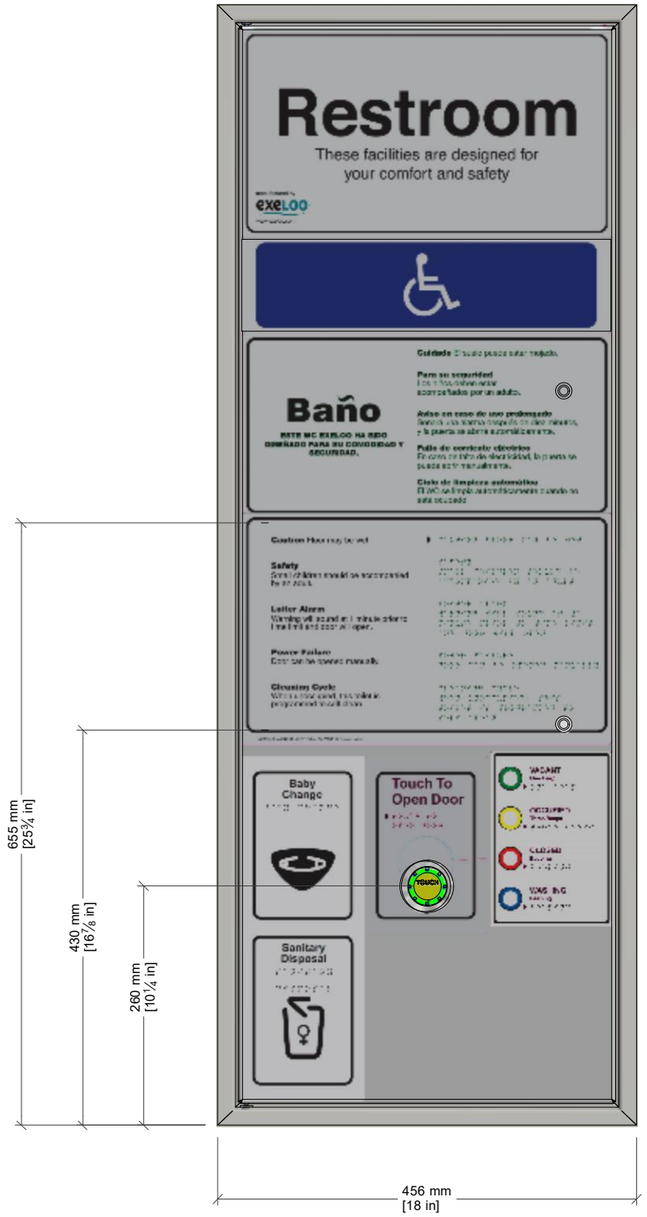
SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTICE

BUTTON, LIGHT AND BRAILLE POSITIONS



NOTE:
NO BRAILLE ON SIGNS OR BUTTONS BETWEEN FFL & 48" ABOVE FFL

BUTTON, LIGHT AND BRAILLE POSITIONS



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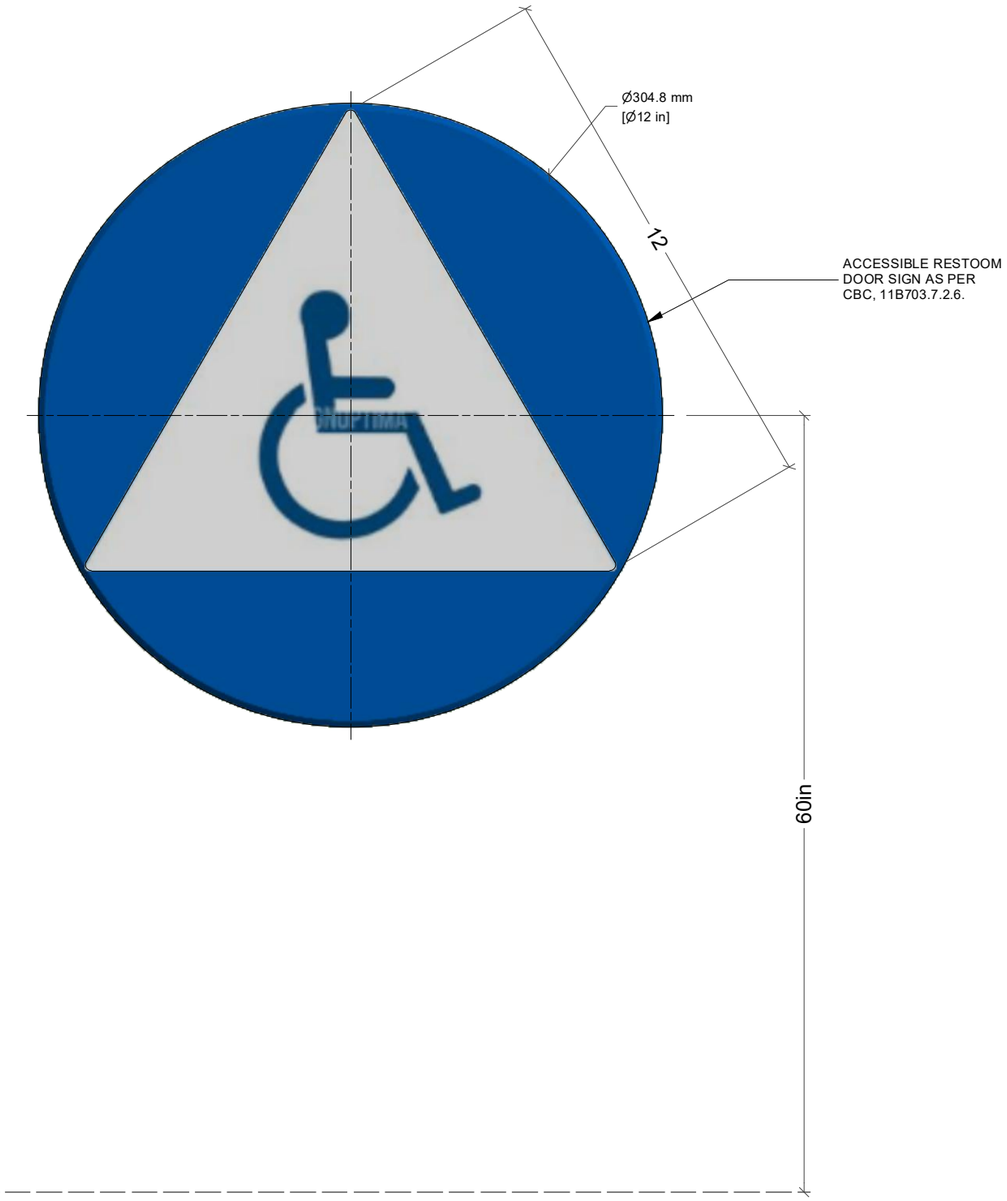
Description: SIGN DOOR ASSEMBLY USA - ADA		Proj:	Units: in	Rev. 1-A	Rev Date. 17/03/2020
		Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 1/05/2006	Sheet No. G 16	SIGN FRAME MU001 - ADA

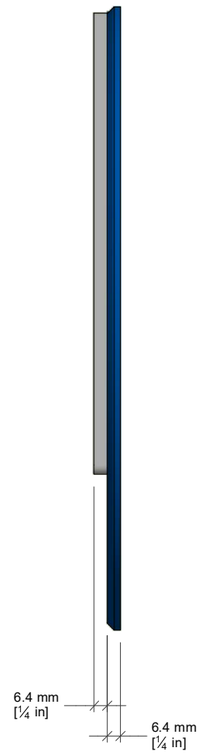
DO NOT SCALE - IF IN DOUBT ASK

SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTICE

FRONT VIEW



SIDE



THE UNISEX GEOMETRIC SYMBOL WITH THE PICTOGRAM, RAISED CHARACTERS AND GRADE II BRAILLE IS LOCATED FOR CLEAR AND SAFE ACCESS AND MOUNTED ADJACENT TO THE PUBLIC RESTROOM ACCESSWAYS.

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Description:	Proj:	Units:	Rev.	Rev Date.
ACCESSIBLE RESTROOM DOOR SIGN		in	1-A	21/09/2018
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material: Generic	Finish: REF	Drawn by: JJG	Creation Date: 20/09/2018	Sheet No. G 17

Drawing No.: **US ADA GENDER NEUTRAL SIGN**

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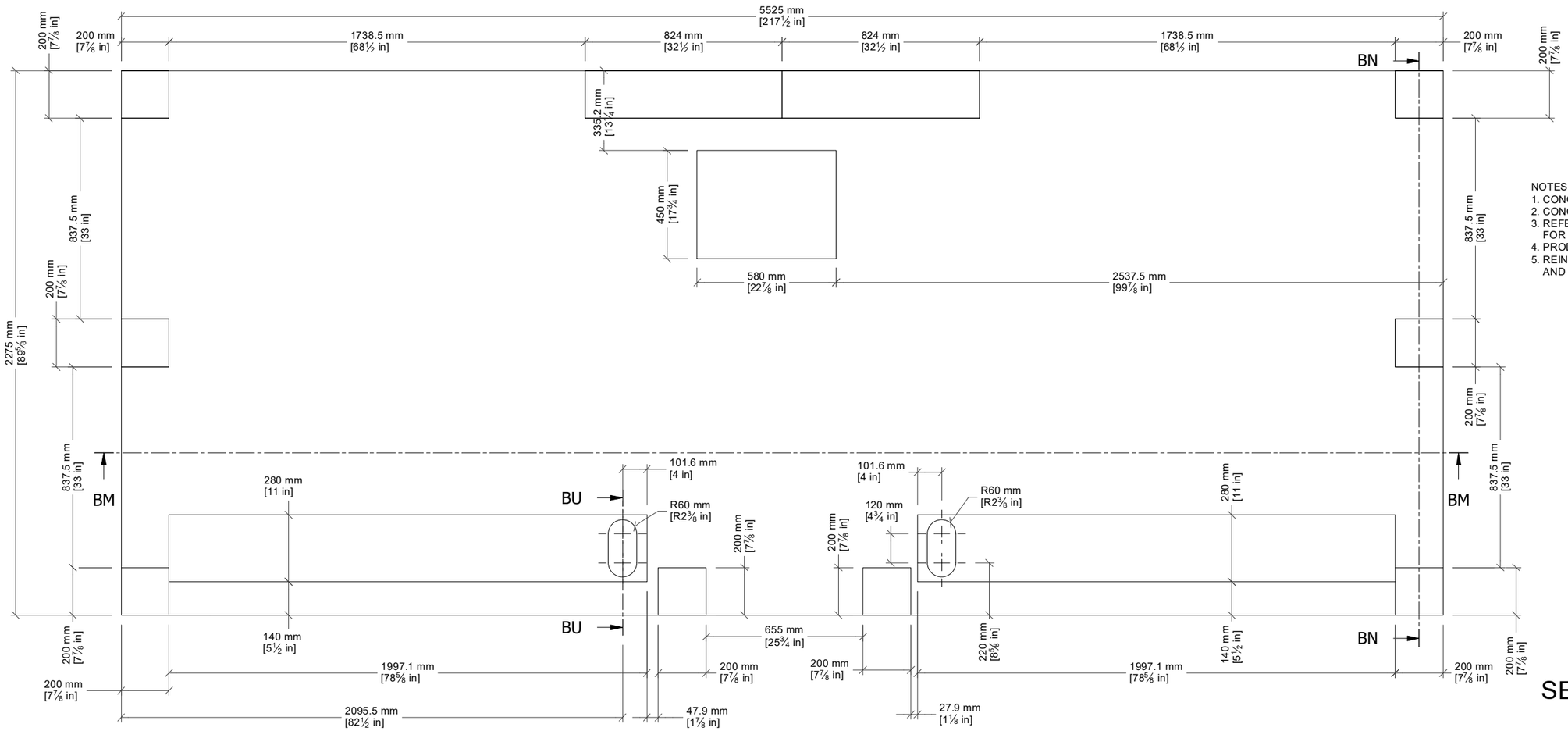
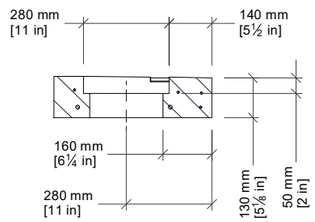
SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTICE

MAIN VIEW

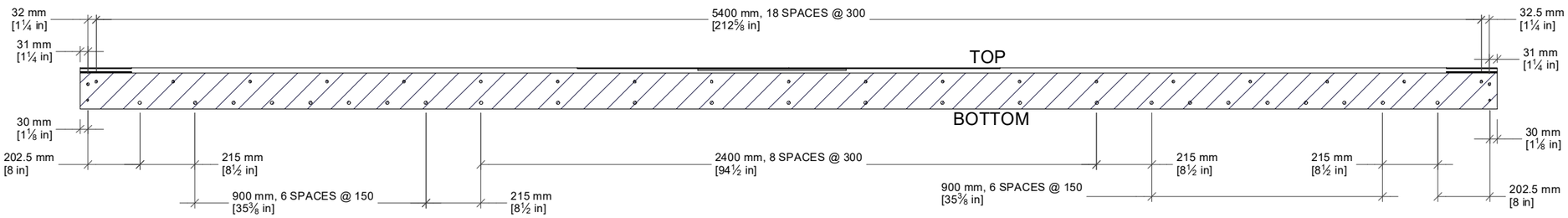


NOTES (IMPERIAL):
1. CONCRETE STRENGTH TO BE 40 MPa
2. CONCRETE COVER TO BE 30mm U.N.O
3. REFER TO NZ 3109:1997 TABLE 5.1 FOR PRECASTE TOLERANCES
4. PRODUCT CODE - WX
5. REINFORCING TO BE GRADE 430 AND HD10

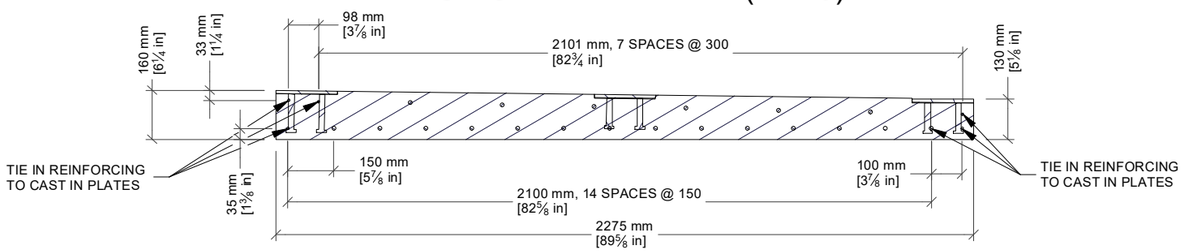
SECTION VIEW BT-BT (1 : 20)



SECTION VIEW BP-BP (1 : 20)



SECTION VIEW BR-BR (1 : 20)



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Description: JUPITER SUPER TWIN BASE - USA		Proj:	Units: in	Rev. 1-A	Rev Date. 15/07/2021
		Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/06/2011	Sheet No. B 18	Drawing No: 3D-2755

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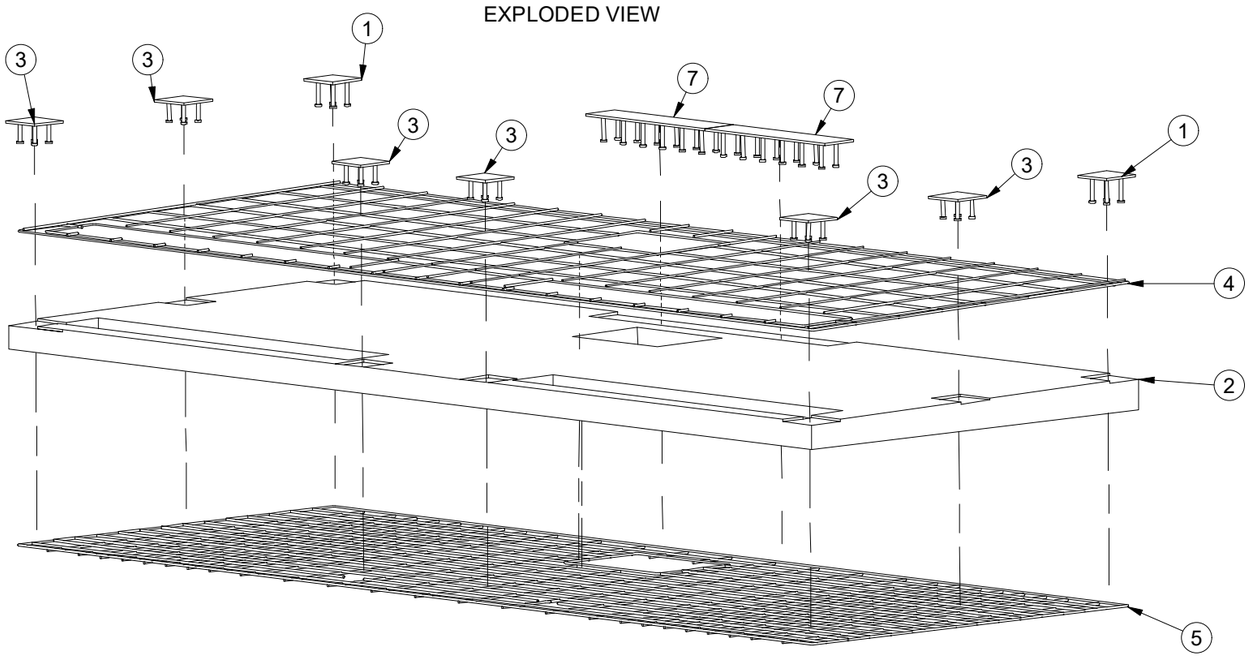
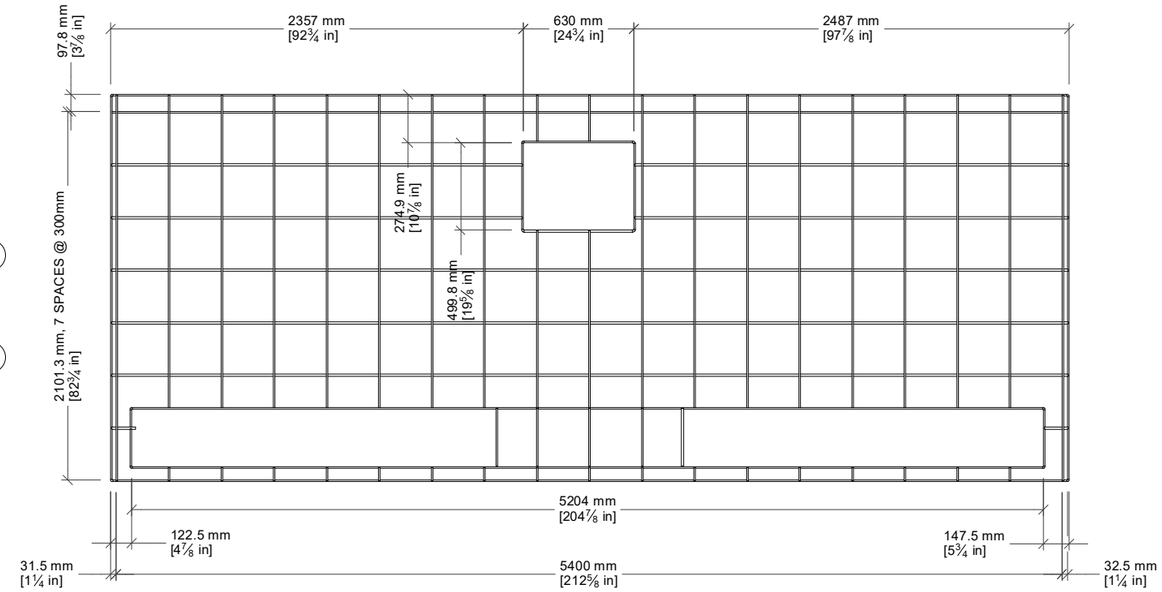
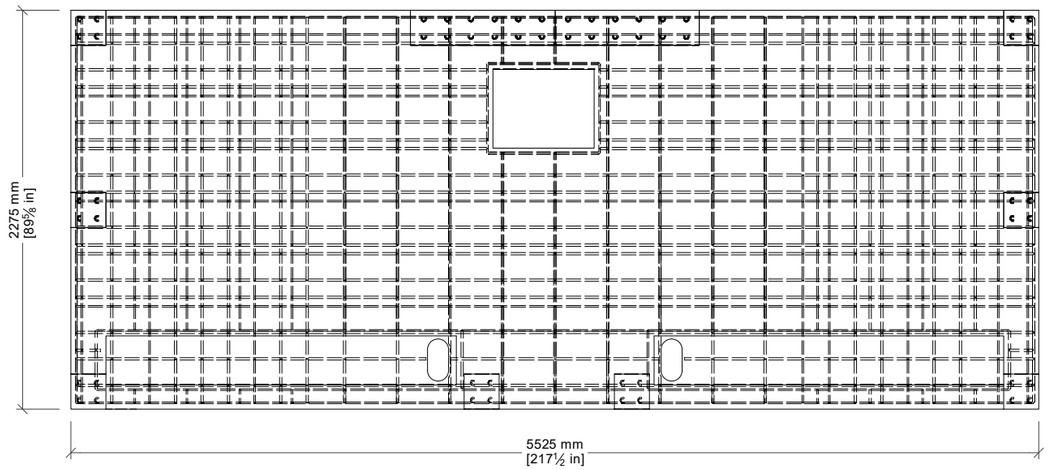
EXPLODED VIEW



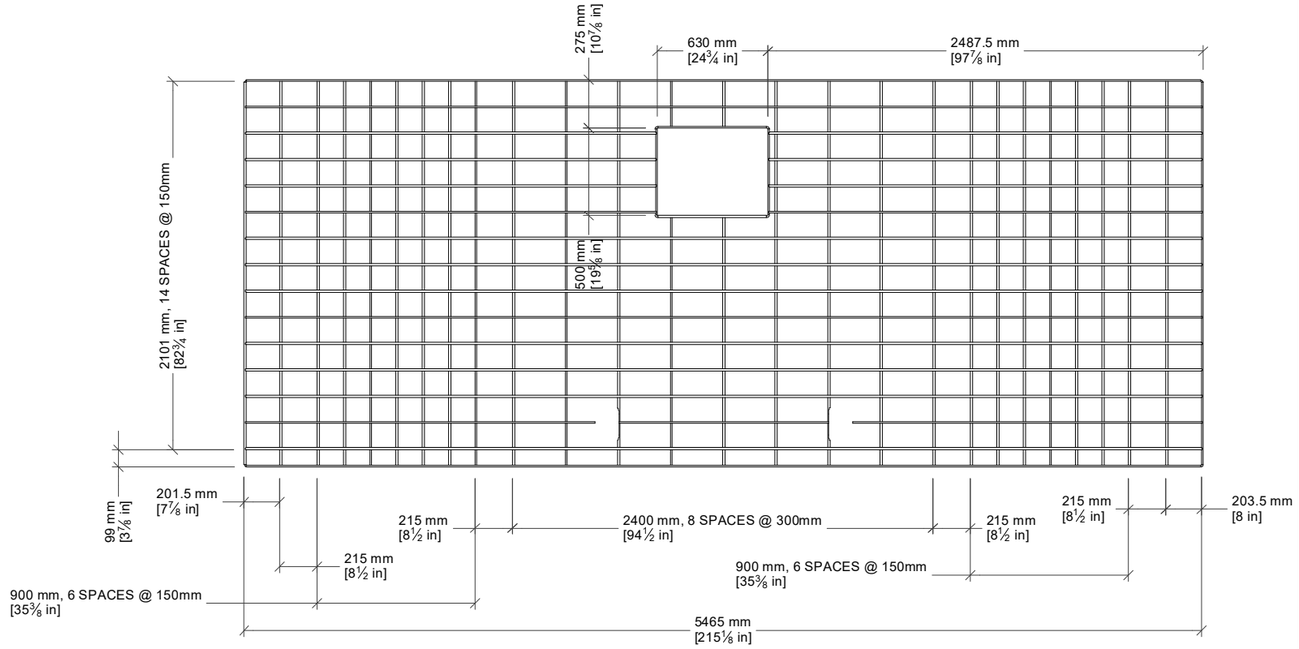
TOP REINFORCING



REINFORCING - HIDDEN VIEW



BOTTOM REINFORCING



Parts List			
ITEM	PART NUMBER	DESCRIPTION	QTY
1	JUP 10025	CORNER REAR CASTING PLATE	2
2	JUP32 80002-USA	JUPITER 32 CONCRETE FLOOR SLAB	1
3	JUP 10024	CORNER FRONT CASTING PLATE	6
4	JUP32 50012-JUP22US	JUPITER 32 TOP REINFORCING	1
5	JUP32 50022-jup22us	JUPITER 32 BOTTOM REINFORCING	1
7	JUP 10023	REAR CASTING PLATE	2

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Description: JUPITER SUPER TWIN BASE - USA	Proj:	Units: in	Rev. 1-A	Rev Date. 15/07/2021	
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:	
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/06/2011	Sheet No. B 19	Drawing No: 3D-2755

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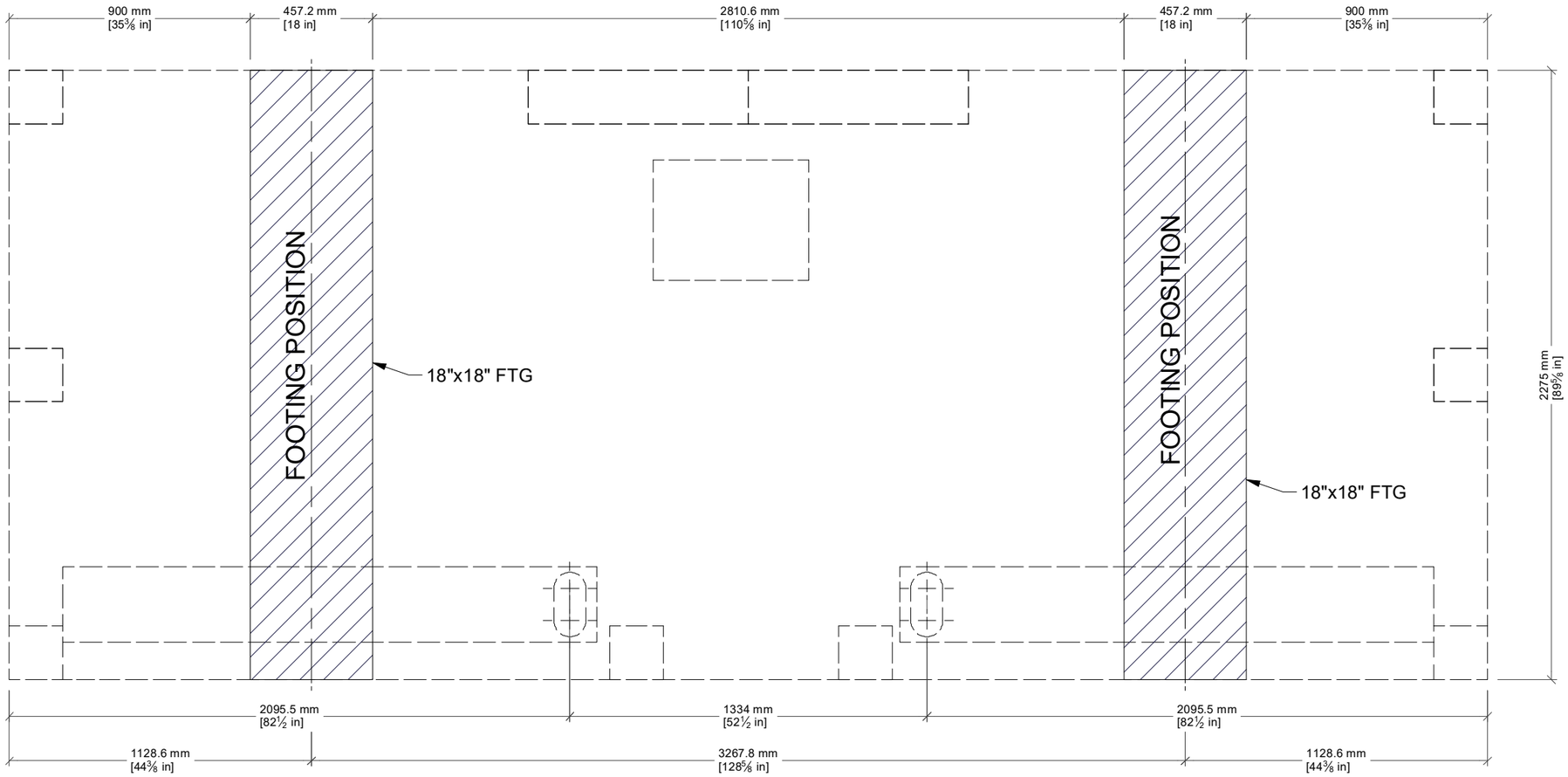
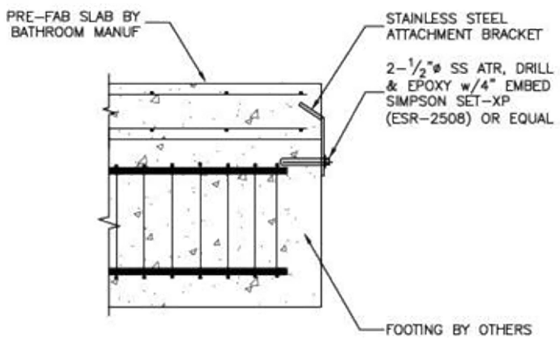
NOTE:
SLAB SLOPES FROM 5-1/8" (5-5/8" INC TILES) AT FRONT TO 6-1/4" (6-3/4" INC TILES) AT REAR.
FOOTING IS NOT PART OF THE BASE - CONTRACTOR TO SUPPLY.

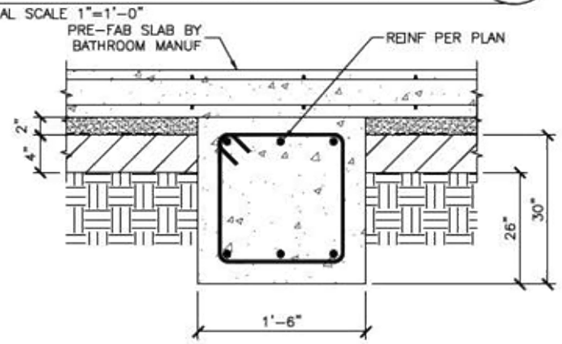
FOUNDATION PLAN





SLAB TO FTG TIE (9)

PARTIAL SCALE 1"=1'-0"



NOTE:
1. THE SUBGRADE (BELOW THE AGGREGATE BASE) SHOULD BE SCARIFIED TO A MINIMUM DEPTH OF 12 INCHES, MOISTURE CONDITIONED TO AT LEAST 3 PERCENT ABOVE OPTIMUM MOISTURE CONTENT, AND RE-COMPACTED TO AT LEAST 90 PERCENT RELATIVE COMPACTION PER ASTM D-1557.
2. THE BOTTOM OF THE FOOTING EXCAVATION SHOULD BE COMPACTED WITH A JUMPING JACK COMPACTOR WITH AT LEAST 4 PASSES.
3. THE SLAB SHOULD BE UNDERLAIN BY 2 INCHES OF MASON SAND (ASTM C-144) COMPACTED WITH A VIBRATORY PLATE OVER A MINIMUM 4 INCHES OF CLASS 2 AGGREGATE BASE COMPACTED TO AT LEAST 95 PERCENT RELATIVE COMPACTION.

FOOTING @ SLAB (10)

PARTIAL SCALE 1"=1'-0"

FOUNDATION

1.GROUND CONDITIONS TO BE AT LEAST CAPABLE OF AN ALLOWABLE WORKING LOAD (DEAD AND LIVE) STRENGTH OF 2,000 psf
2.GROUND BEAM TO BE FILLED WITH 3,000 psi 28 DAY STRENGTH CONCRETE FOR 7 DAYS MIN. BEFORE PLACING EXELOO UNIT INTO POSITION

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Description:	Proj:	Units:	Rev.	Rev Date.
JUPITER SUPER TWIN/TRIPLE BASE FOR MODELS 22,23,32,33,42,43,52,53		in	1-P	27/05/2022
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/06/2011	Sheet No. B 20 / Drawing No: 3D-2712

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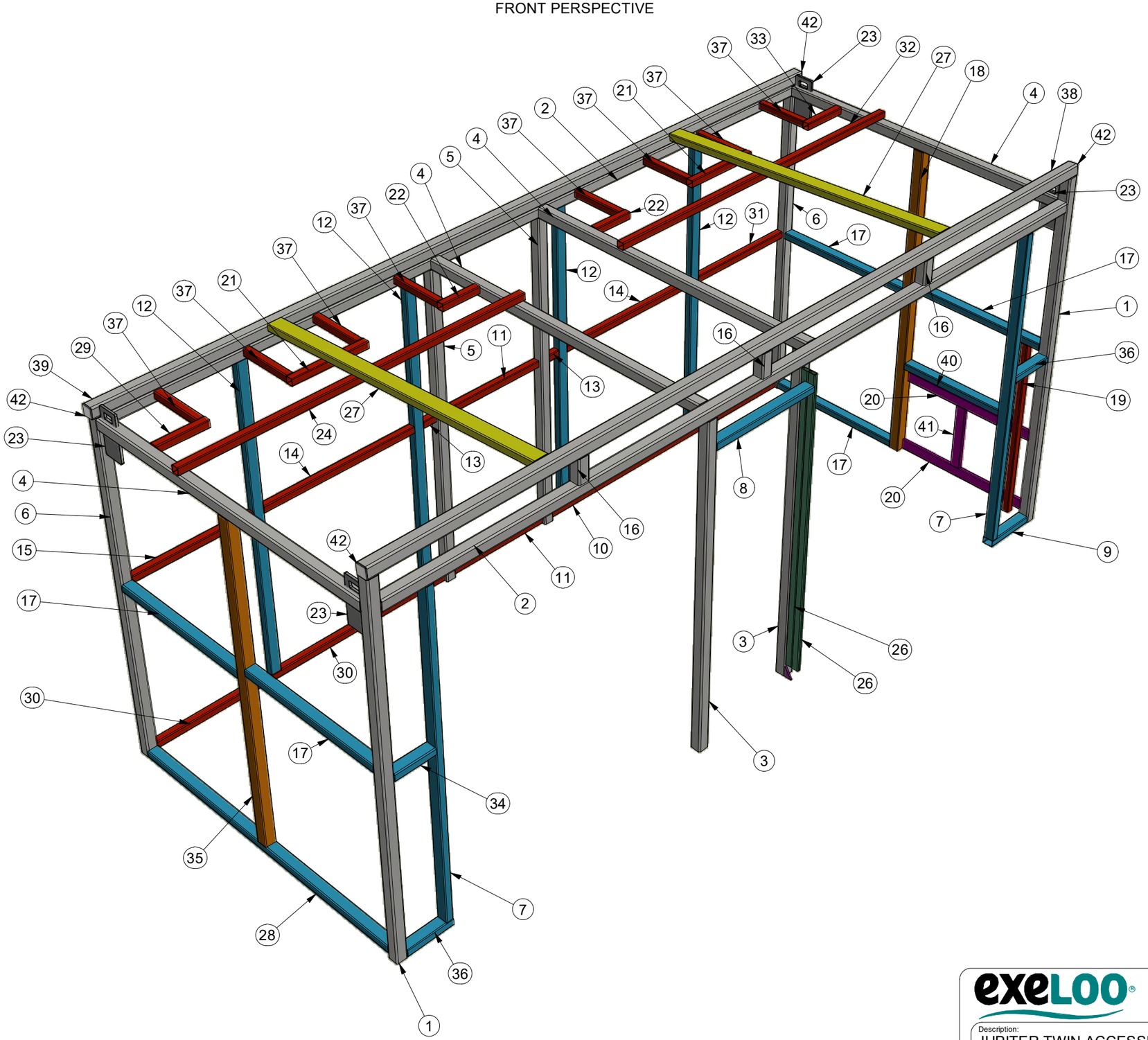
SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTICE

FRONT PERSPECTIVE



Parts List				
ITEM	PART NUMBER	ITEM QTY	UNIT QTY	QTY
1	AS 1163 - C350L0 75x75x5.0 SHS - 2558	2	100 11/16 in	201 7/16 in
2	AS 1163 - C350L0 75x75x5.0 SHS - 5375	2	211 5/8 in	423 1/4 in
3	AS 1163 - C350L0 75x75x5.0 SHS - 2325	3	91 9/16 in	274 5/8 in
4	AS 1163 - C350L0 75x75x5.0 SHS - 2125	4	83 11/16 in	334 5/8 in
5	AS 1163 - C350L0 75x75x5.0 SHS - 2295	2	90 3/8 in	180 11/16 in
6	AS 1163 - C350L0 75x75x5.0 SHS - 2370	2	93 5/16 in	186 5/8 in
7	AS 1163 - C350L0 75x50x3.0 RHS - 2275	6	89 9/16 in	537 3/8 in
8	AS 1163 - C350L0 75x50x3.0 RHS - 780	1	30 11/16 in	30 11/16 in
9	AS 1163 - C350L0 75x50x3.0 RHS - 372.5	1	14 11/16 in	14 11/16 in
10	AS 1163 - C350L0 50x50x3.0 SHS - 2212.5	1	87 1/8 in	87 1/8 in
11	AS 1163 - C350L0 50x50x3.0 SHS - 780	2	30 11/16 in	61 7/16 in
12	AS 1163 - C350L0 75x50x3.0 RHS - 2245	4	88 3/8 in	353 9/16 in
13	AS 1163 - C350L0 50x50x3.0 SHS - 99.5	2	3 15/16 in	7 13/16 in
14	AS 1163 - C350L0 50x50x3.0 SHS - 1135	2	44 11/16 in	89 3/8 in
15	AS 1163 - C350L0 50x50x3.0 SHS - 848	1	33 3/8 in	33 3/8 in
16	AS 1163 - C350L0 75x75x5.0 SHS - 158	3	6 1/4 in	18 11/16 in
17	AS 1163 - C350L0 75x50x3.0 RHS - 1025	6	40 3/8 in	242 1/8 in
18	AS 1163 - C350L0 75x75x3.0 SHS - 2295	2	90 3/8 in	180 11/16 in
19	AS 1163 - C350L0 50x50x3.0 SHS - 1311	2	51 5/8 in	103 1/4 in
20	AS 1163 - C350L0 75x25x2.5 RHS - 1025	4	40 3/8 in	161 7/16 in
21	AS 1163 - C350L0 50x50x3.0 SHS - 533	2	21 in	41 15/16 in
22	AS 1163 - C350L0 50x50x3.0 SHS - 279	2	11 in	21 15/16 in
23	55254235	4	1/16 in	3/16 in
24	AS 1163 - C350L0 50x50x3.0 SHS - 2382.5	1	93 13/16 in	93 13/16 in
25	55250622	2	1/16 in	1/16 in
26	AS 1163 - C350L0 50x25x3.0 RHS - 2125	2	83 11/16 in	167 5/16 in
27	AS 1163 - C350L0 100x50x3.0 RHS - 2126.126	2	83 11/16 in	167 7/16 in
28	AS 1163 - C350L0 75x50x3.0 RHS - 2125	2	83 11/16 in	167 5/16 in
29	AS 1163 - C350L0 50x50x3.0 SHS - 340.5	1	13 3/8 in	13 3/8 in
30	AS 1163 - C350L0 50x50x3.0 SHS - 2232.5	1	87 7/8 in	87 7/8 in
31	AS 1163 - C350L0 50x50x3.0 SHS - 828	1	32 5/8 in	32 5/8 in
32	AS 1163 - C350L0 50x50x3.0 SHS - 2362.5	1	93 in	93 in
33	AS 1163 - C350L0 50x50x3.0 SHS - 320.5	1	12 5/8 in	12 5/8 in
34	AS 1163 - C350L0 75x50x3.0 RHS - 272.5	1	10 3/4 in	10 3/4 in
35	AS 1163 - C350L0 75x75x3.0 SHS - 2245	1	88 3/8 in	88 3/8 in
36	AS 1163 - C350L0 75x50x3.0 RHS - 322.5	2	12 11/16 in	25 3/8 in
37	AS 1163 - C350L0 50x50x3.0 SHS - 374	8	14 3/4 in	117 13/16 in
38	AS 1163 - C350L0 75x75x5.0 SHS - 5513	1	217 1/16 in	217 1/16 in
39	AS 1163 - C350L0 75x75x5.0 SHS - 5558	1	218 13/16 in	218 13/16 in
40	AS 1163 - C350L0 75x50x3.0 RHS - 891	2	35 1/16 in	70 3/16 in
41	AS 1163 - C350L0 75x25x2.5 RHS - 478	2	18 13/16 in	37 5/8 in
42	55254335	4	1/16 in	3/16 in

REV	DESCRIPTION	DATE
1-B	REMOVE ROOF OUTRIGGERS	29/04/2022

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Description:	Proj:	Units:	Rev.	Rev Date.
JUPITER TWIN ACCESSIBLE USA FRAME - SINGLE BABY CHANGE		in	1-B	27/05/2022
	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 11/05/2021	Sheet No. S 21
				Drawing No: JUP22DD-US-TF1001

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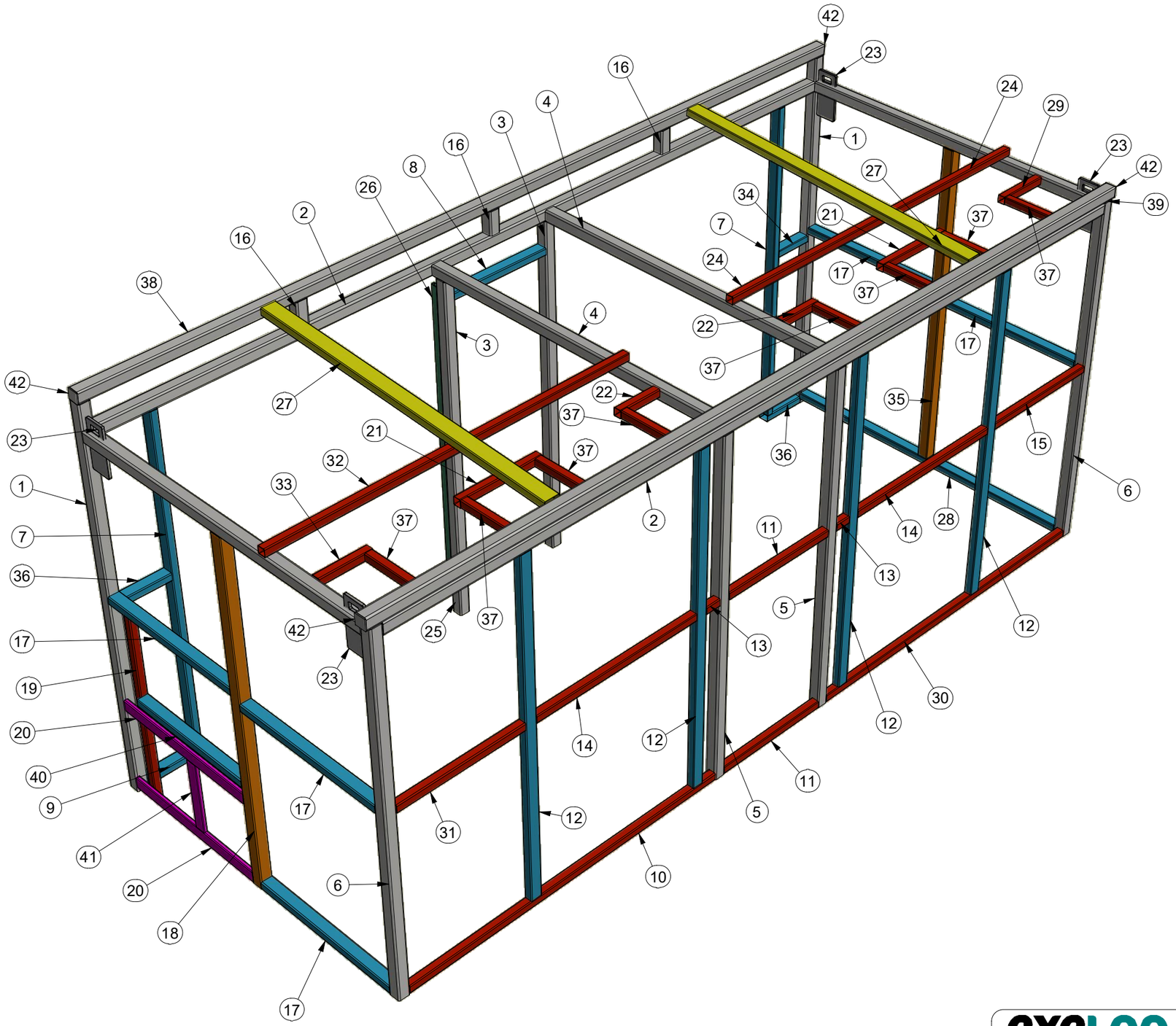
SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTICE

REAR PERSPECTIVE



Parts List				
ITEM	PART NUMBER	ITEM QTY	UNIT QTY	QTY
1	AS 1163 - C350L0 75x75x5.0 SHS - 2558	2	100 11/16 in	201 7/16 in
2	AS 1163 - C350L0 75x75x5.0 SHS - 5375	2	211 5/8 in	423 1/4 in
3	AS 1163 - C350L0 75x75x5.0 SHS - 2325	3	91 9/16 in	274 5/8 in
4	AS 1163 - C350L0 75x75x5.0 SHS - 2125	4	83 11/16 in	334 5/8 in
5	AS 1163 - C350L0 75x75x5.0 SHS - 2295	2	90 3/8 in	180 11/16 in
6	AS 1163 - C350L0 75x75x5.0 SHS - 2370	2	93 5/16 in	186 5/8 in
7	AS 1163 - C350L0 75x50x3.0 RHS - 2275	6	89 9/16 in	537 3/8 in
8	AS 1163 - C350L0 75x50x3.0 RHS - 780	1	30 11/16 in	30 11/16 in
9	AS 1163 - C350L0 75x50x3.0 RHS - 372.5	1	14 11/16 in	14 11/16 in
10	AS 1163 - C350L0 50x50x3.0 SHS - 2212.5	1	87 1/8 in	87 1/8 in
11	AS 1163 - C350L0 50x50x3.0 SHS - 780	2	30 11/16 in	61 7/16 in
12	AS 1163 - C350L0 75x50x3.0 RHS - 2245	4	88 3/8 in	353 9/16 in
13	AS 1163 - C350L0 50x50x3.0 SHS - 99.5	2	3 15/16 in	7 13/16 in
14	AS 1163 - C350L0 50x50x3.0 SHS - 1135	2	44 11/16 in	89 3/8 in
15	AS 1163 - C350L0 50x50x3.0 SHS - 848	1	33 3/8 in	33 3/8 in
16	AS 1163 - C350L0 75x75x5.0 SHS - 158	3	6 1/4 in	18 11/16 in
17	AS 1163 - C350L0 75x50x3.0 RHS - 1025	6	40 3/8 in	242 1/8 in
18	AS 1163 - C350L0 75x75x3.0 SHS - 2295	2	90 3/8 in	180 11/16 in
19	AS 1163 - C350L0 50x50x3.0 SHS - 1311	2	51 5/8 in	103 1/4 in
20	AS 1163 - C350L0 75x25x2.5 RHS - 1025	4	40 3/8 in	161 7/16 in
21	AS 1163 - C350L0 50x50x3.0 SHS - 533	2	21 in	41 15/16 in
22	AS 1163 - C350L0 50x50x3.0 SHS - 279	2	11 in	21 15/16 in
23	55254235	4	1/16 in	3/16 in
24	AS 1163 - C350L0 50x50x3.0 SHS - 2382.5	1	93 13/16 in	93 13/16 in
25	55250622	2	1/16 in	1/16 in
26	AS 1163 - C350L0 50x25x3.0 RHS - 2125	2	83 11/16 in	167 5/16 in
27	AS 1163 - C350L0 100x50x3.0 RHS - 2126.126	2	83 11/16 in	167 7/16 in
28	AS 1163 - C350L0 75x50x3.0 RHS - 2125	2	83 11/16 in	167 5/16 in
29	AS 1163 - C350L0 50x50x3.0 SHS - 340.5	1	13 3/8 in	13 3/8 in
30	AS 1163 - C350L0 50x50x3.0 SHS - 2232.5	1	87 7/8 in	87 7/8 in
31	AS 1163 - C350L0 50x50x3.0 SHS - 828	1	32 5/8 in	32 5/8 in
32	AS 1163 - C350L0 50x50x3.0 SHS - 2362.5	1	93 in	93 in
33	AS 1163 - C350L0 50x50x3.0 SHS - 320.5	1	12 5/8 in	12 5/8 in
34	AS 1163 - C350L0 75x50x3.0 RHS - 272.5	1	10 3/4 in	10 3/4 in
35	AS 1163 - C350L0 75x75x3.0 SHS - 2245	1	88 3/8 in	88 3/8 in
36	AS 1163 - C350L0 75x50x3.0 RHS - 322.5	2	12 11/16 in	25 3/8 in
37	AS 1163 - C350L0 50x50x3.0 SHS - 374	8	14 3/4 in	117 13/16 in
38	AS 1163 - C350L0 75x75x5.0 SHS - 5513	1	217 1/16 in	217 1/16 in
39	AS 1163 - C350L0 75x75x5.0 SHS - 5558	1	218 13/16 in	218 13/16 in
40	AS 1163 - C350L0 75x50x3.0 RHS - 891	2	35 1/16 in	70 3/16 in
41	AS 1163 - C350L0 75x25x2.5 RHS - 478	2	18 13/16 in	37 5/8 in
42	55254335	4	1/16 in	3/16 in

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Description: JUPITER TWIN ACCESSIBLE USA FRAME - SINGLE BABY CHANGE		Proj:	Units: in	Rev. **1-B**	Rev Date. **27/05/2022**
		Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 11/05/2021	Sheet No. S 22	Drawing No: **JUP22DD-US-TF1001**

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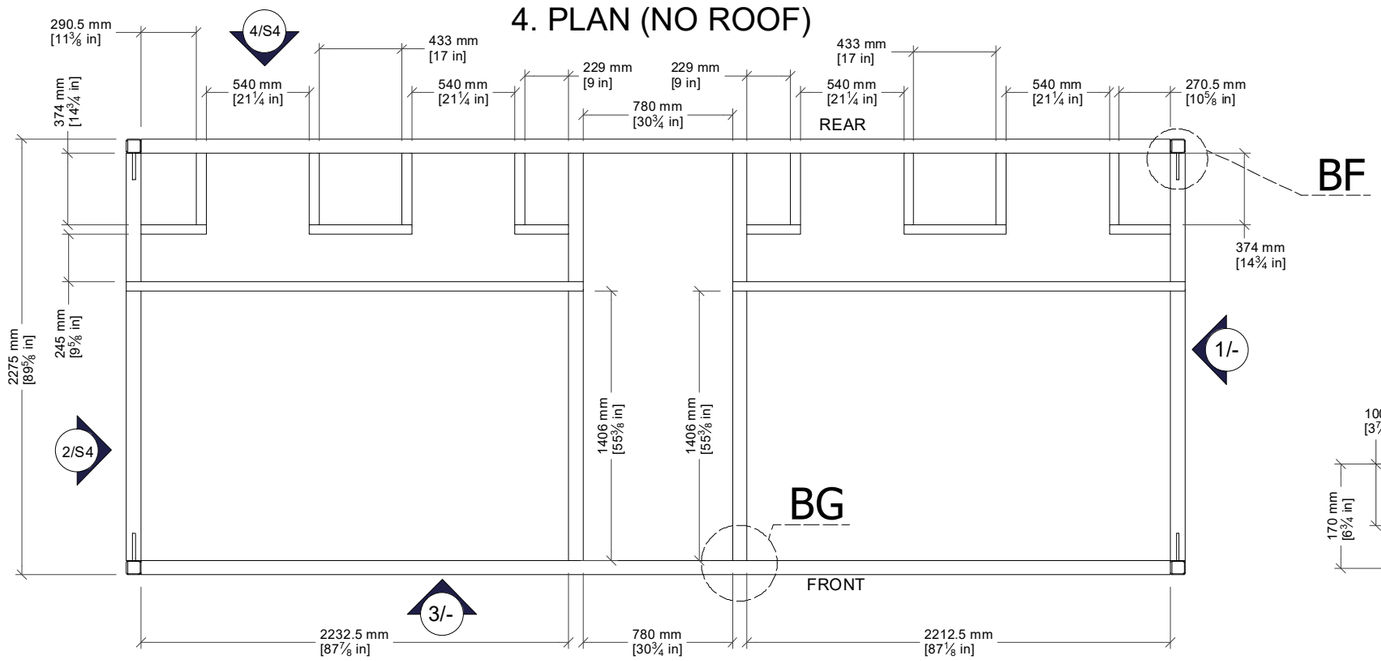
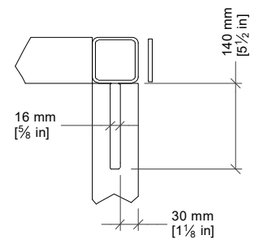
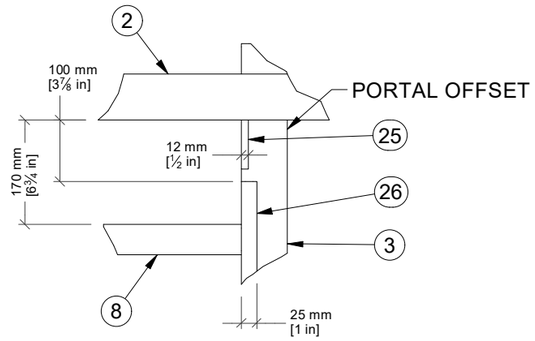
4. PLAN (NO ROOF)



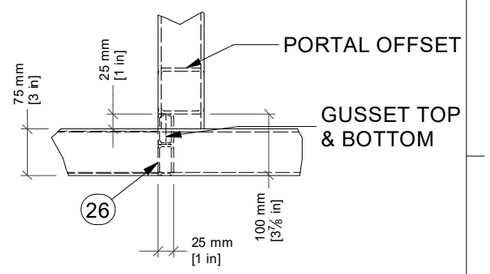
BF (1:10)



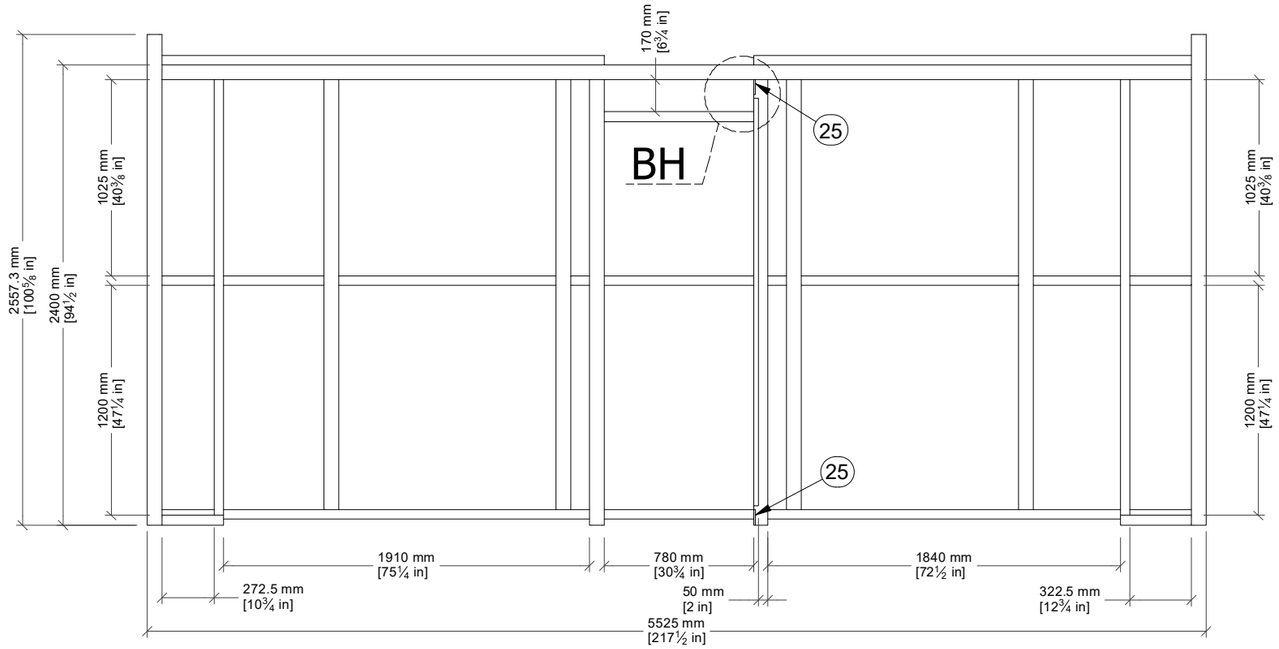
BH (1 : 10)



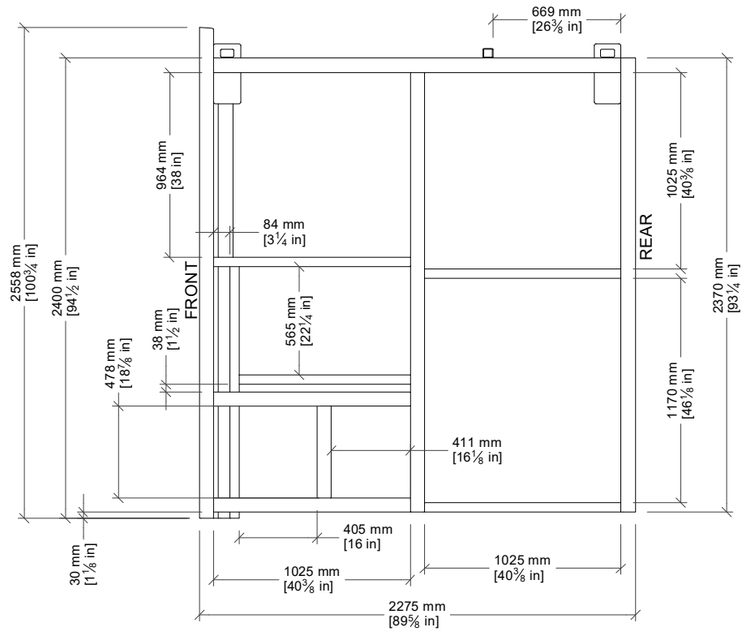
BG (1 : 10)



3. FRONT ELEVATION (NO ROOF)



1. RIGHT ELEVATION (NO ROOF)



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	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
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				Drawing No: **JUP22DD-US-TF1001**

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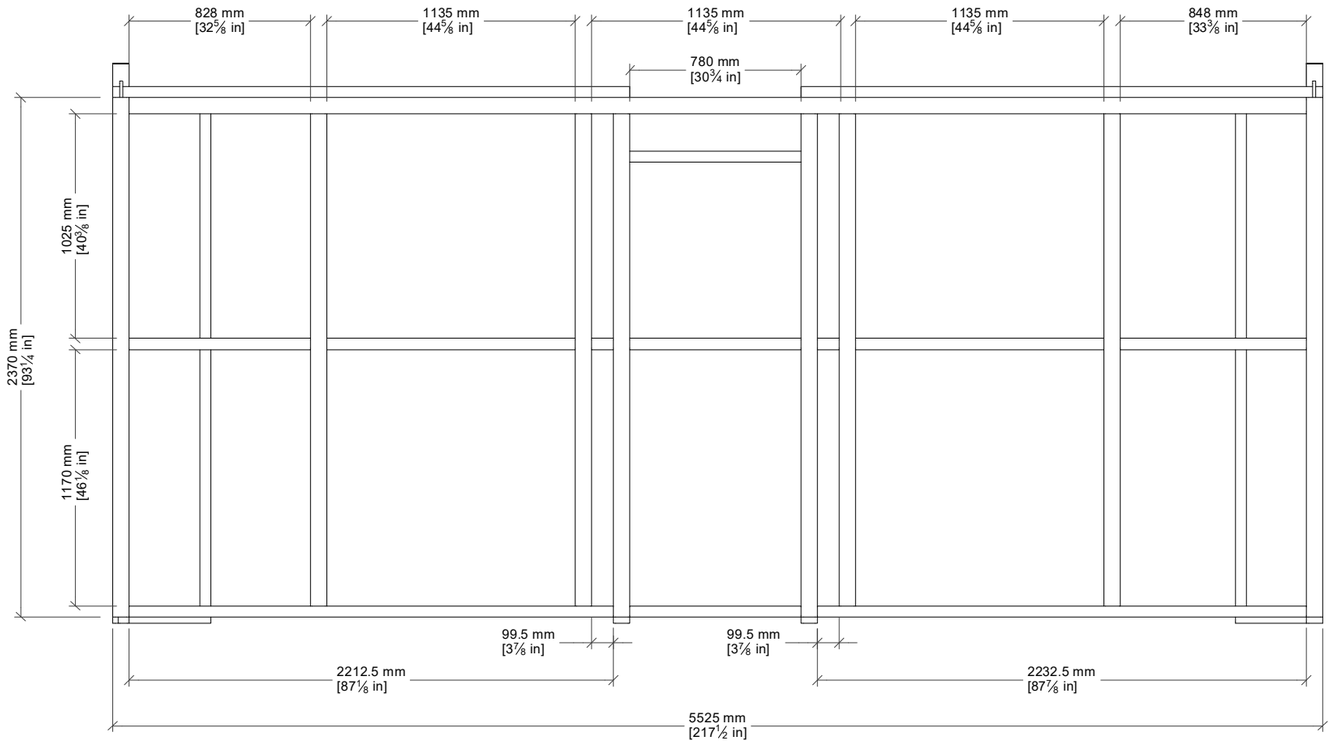
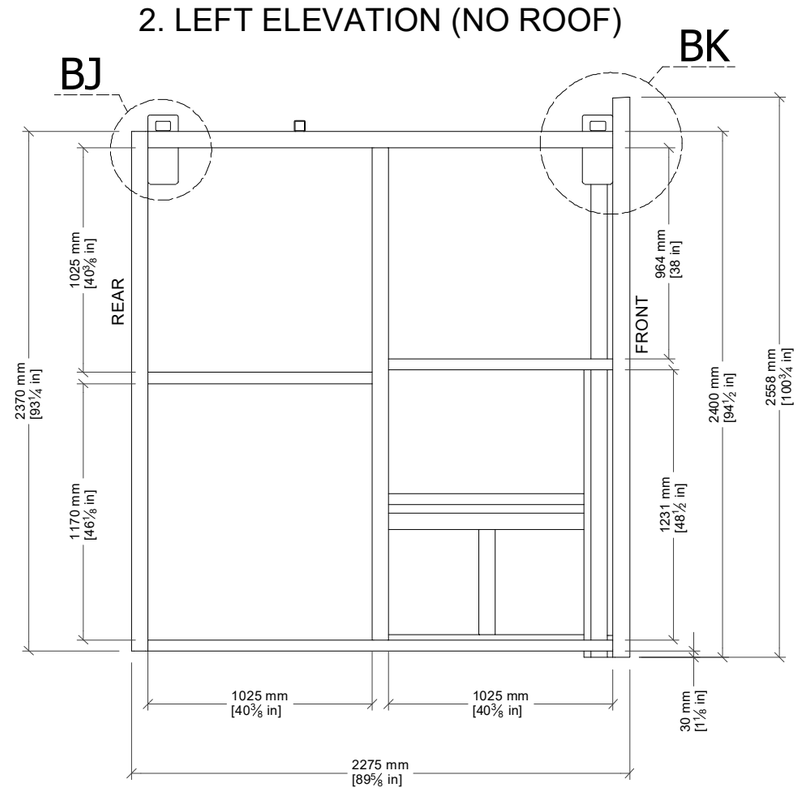
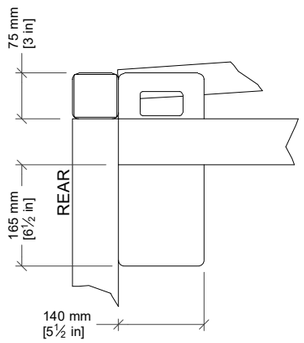
5. REAR ELEVATION (NO ROOF)



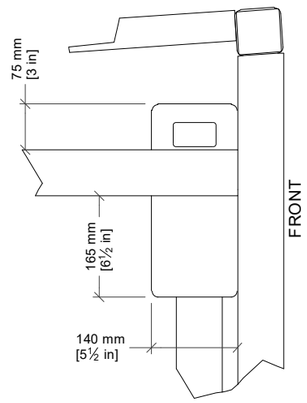
2. LEFT ELEVATION (NO ROOF)



6. FRONT LIFTING PLATE DETAIL VIEW BJ



7. FRONT LIFTING PLATE DETAIL VIEW BK



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	Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
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				Drawing No: **JUP22DD-US-TF1001**

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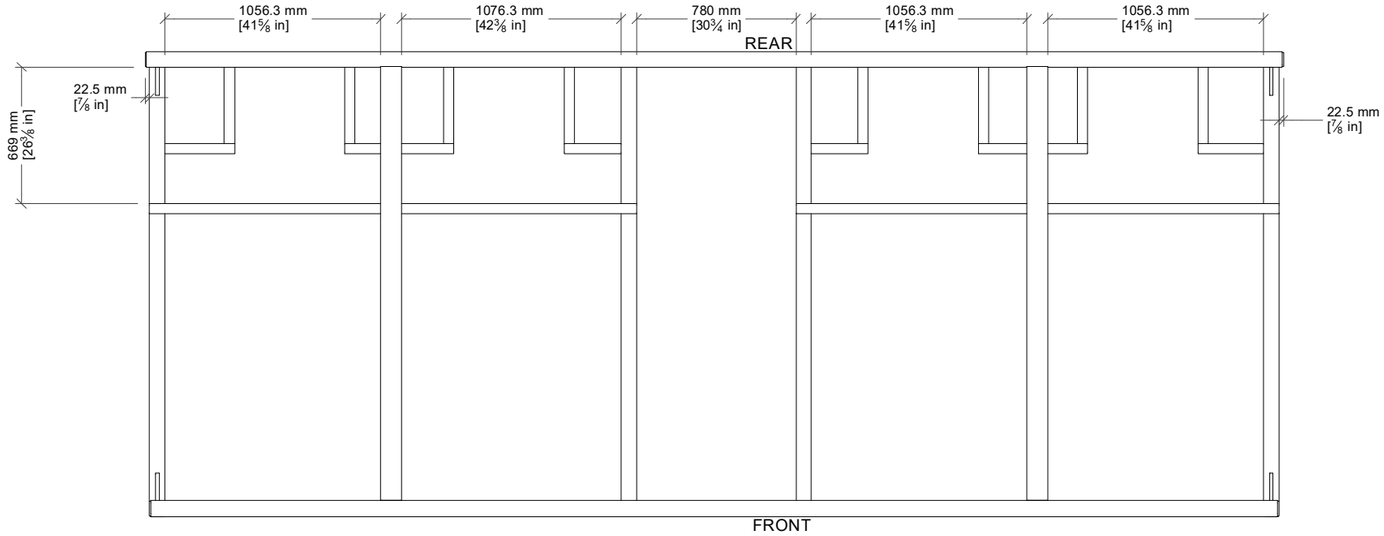
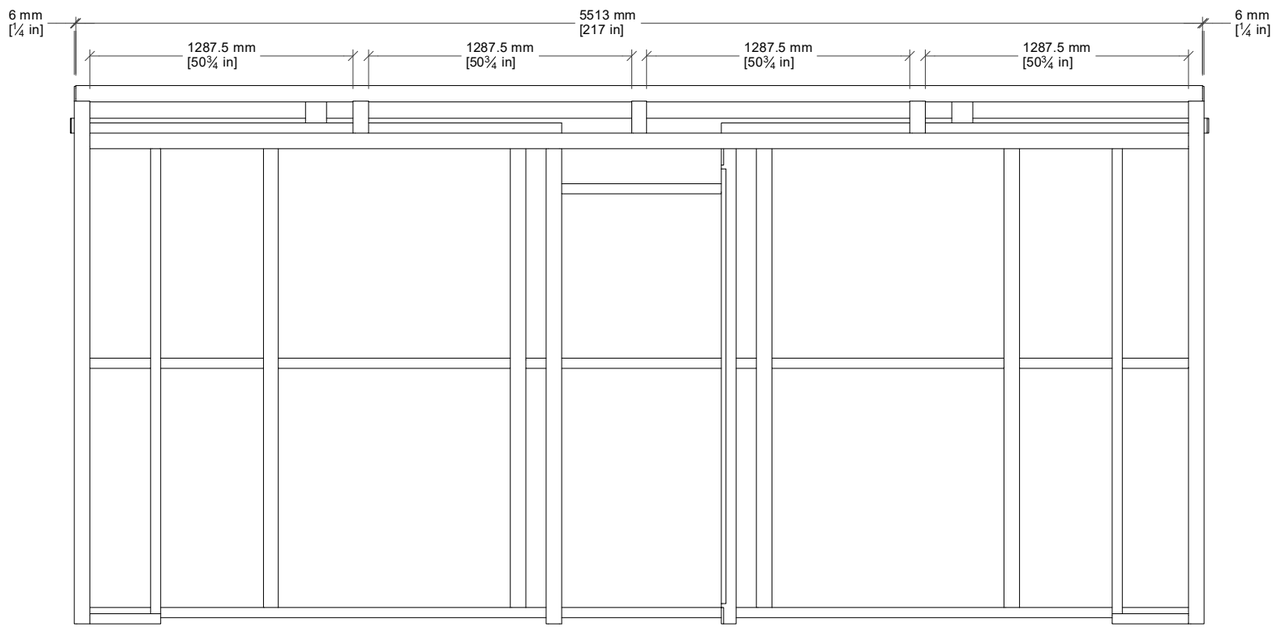
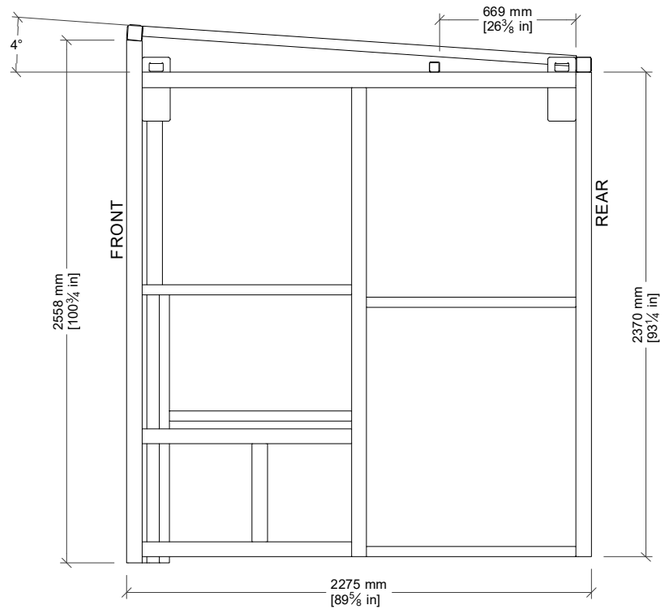
PLAN VIEW



FRONT ELEVATION



RIGHT ELEVATION



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Tolerance:	Scale:	Checked by:	Approved by:
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	REF	JJG	11/05/2021	S 25	**JUP22DD-US-TF1001**

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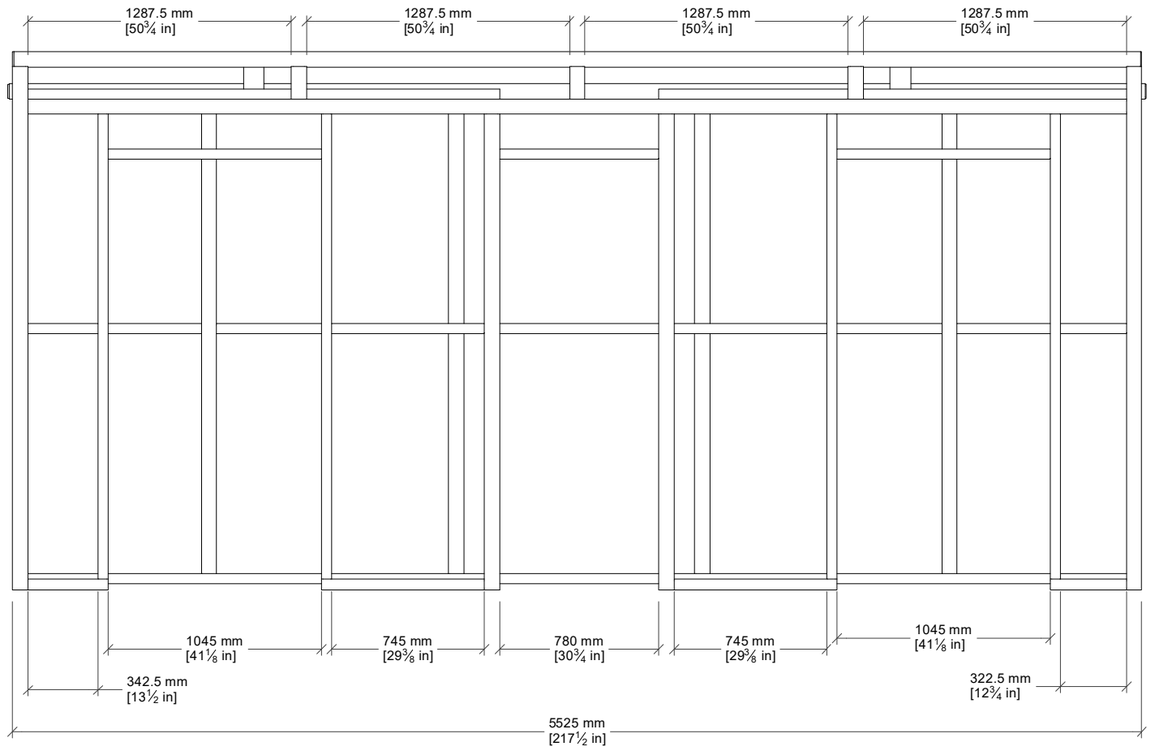
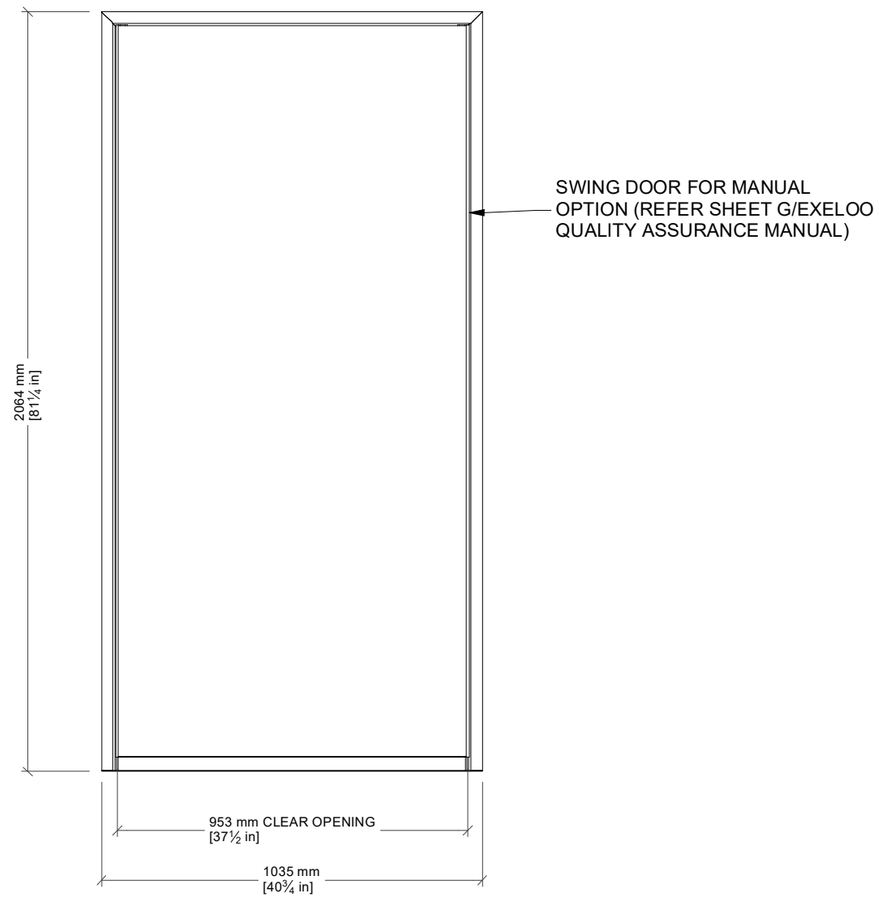
FRONT ELEVATION



FRONT - ACCESSIBLE SWING DOOR



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				Drawing No: JUP22DD-US-TF1001

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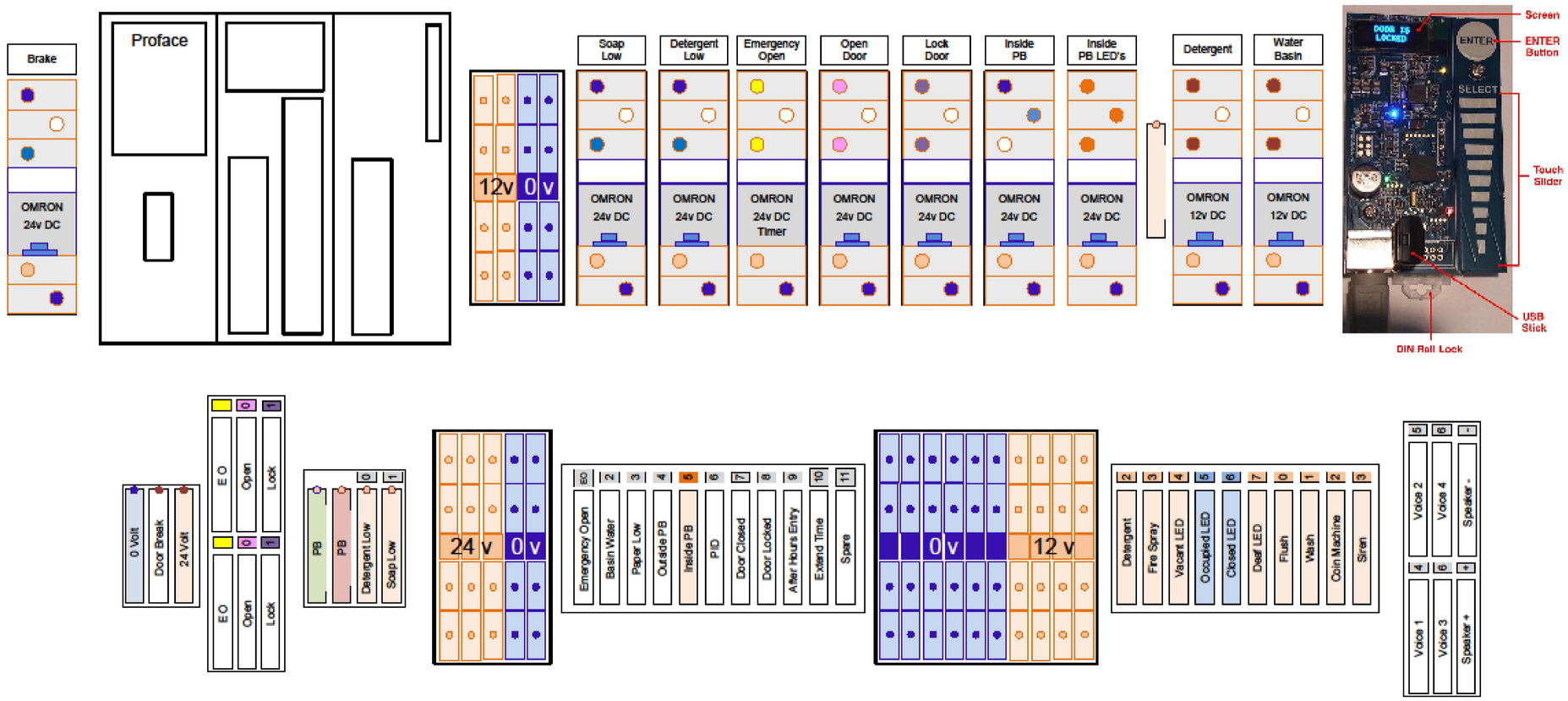
Auxillary Control Box

Layout



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	REF	JJG	16/04/2012	B 27	ASJUP22DD-US1BON

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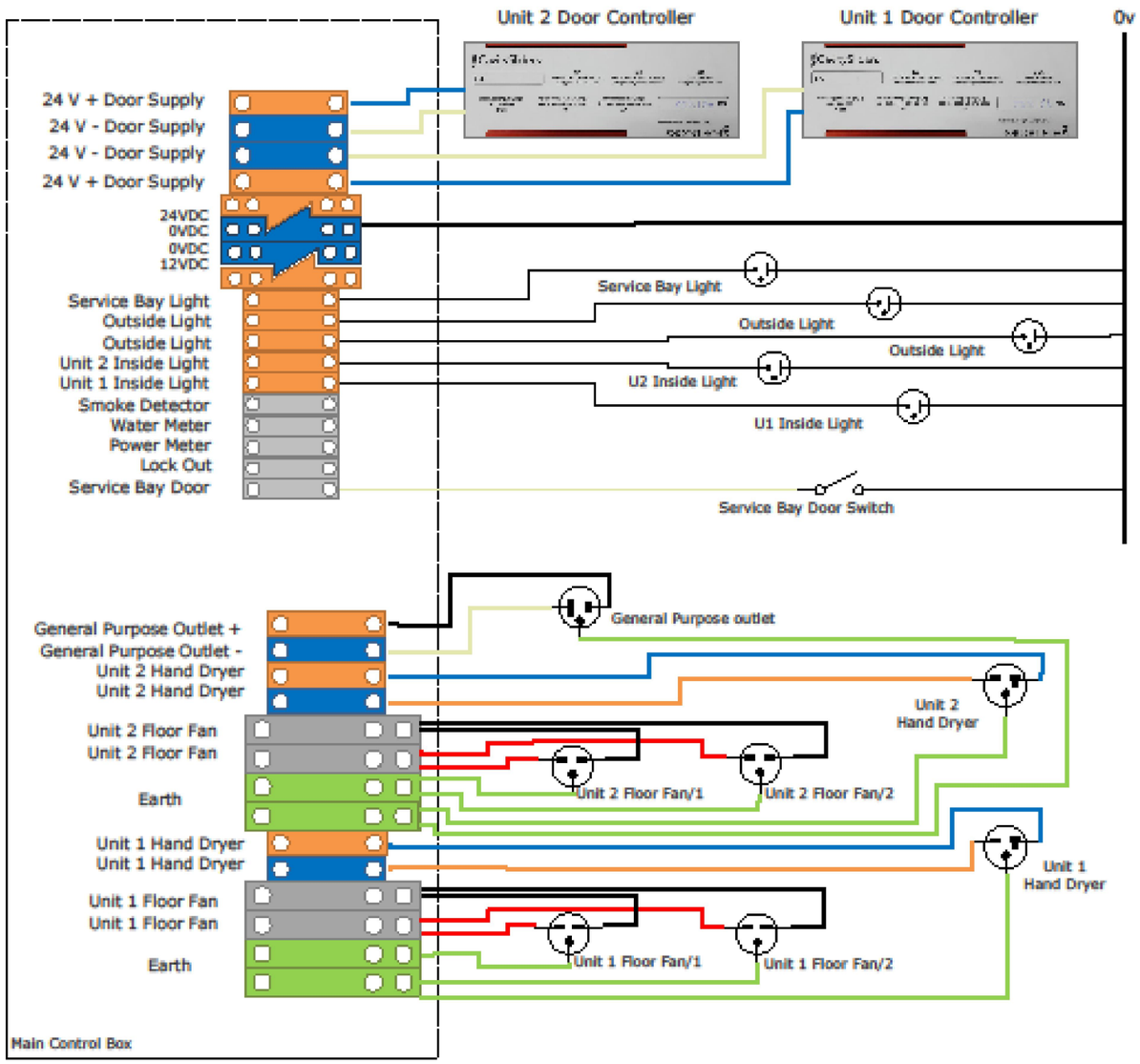
Main Control Box



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		Tolerance: +/-0.5	Scale: N.T.S.	Checked by:	Approved by:
Material:	Finish: REF	Drawn by: JJG	Creation Date: 16/04/2012	Sheet No. B 28	Drawing No: ASJUP22DD-US1BON

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Max Load = General Load + Heating + Floor Fan + 1 Hand Dryer + Extra's

	Watts Black	Watts Red	Amps Black	Amps Red
General Load	315	480	2.63	4.00
Heating	0	0	0.00	0.00
One Unit Drying	3,000	3,000	12.50	12.50
One Unit Hand Dryer	2,000	2,000	8.33	8.33
Extra's	0	0	0.00	0.00
	5,315	5,480	23.46	24.83

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				Drawing No: ASJUP22DD-US1BON

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Electrical Panel Schedule Box 1

Twin Control Box

Mounted on the wall in the Service Bay

Main	63 Amp	Volts 120/240	Single Phase Three Wire

Load Description	Watts A Ø	Watts B Ø	Breaker	Poles	Circuit	WS
Unit 1 Floor Fans	1500		20 Amps	2	AC 1	12
Unit 1 Hand Dryer	1600		15 Amps	2	AC 2	14
Box 1 General Power	0		15 Amps	1	AC 3	10
Unit 2 Floor Fans	1500		20 Amps	2	AC 4	12
Unit 2 Hand Dryer	1600		15 Amps	2	AC 5	14
Unit 1 12 Volt DC Power Supply	120		6 Amps	1	AC 6	18
Unit 2 12 Volt DC Power Supply	120		6 Amps	1	AC 7	18
PLC Power 24 Volt DC Power Supply	75		6 Amps	1	AC 8	18
Door Power 24 Volt DC Power Supply		480	6 Amps	1	AC 9	18
Unit 1 DC Lighting			6 Amps	1	DC 10	16
Unit 1 12 Volt DC	DC		6 Amps	1	DC 11	16
PLC Power 24 Volt			3 Amps	1	DC 12	16
Unit 1 Door Power 24 Volt DC			20 Amps	1	DC 13	10
Unit 2 DC Lighting			6 Amps	1	DC 14	16
Unit 2 12 Volt DC	DC		6 Amps	1	DC 15	16
Unit 2 Door Power 24 Volt DC			20 Amps	1	DC 16	10

	Watts		Amps	
	A Ø	B Ø	A Ø	B Ø
Vacant Mode	315	48	2.63	0.40
Max Running Load	4915	5080	21.79	23.17
Full Load - Not Possible	9515	9680	40.96	42.33

Box 1 Twin

	Watts		Amps	
	A Ø	B Ø	A Ø	B Ø
Vacant Mode	315	48	2.63	0.40
Max Running Load	4915	5080	21.79	23.17
Full Load - Not Possible	9515	9680	40.96	42.33

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				Drawing No: ASJUP22DD-US1BON

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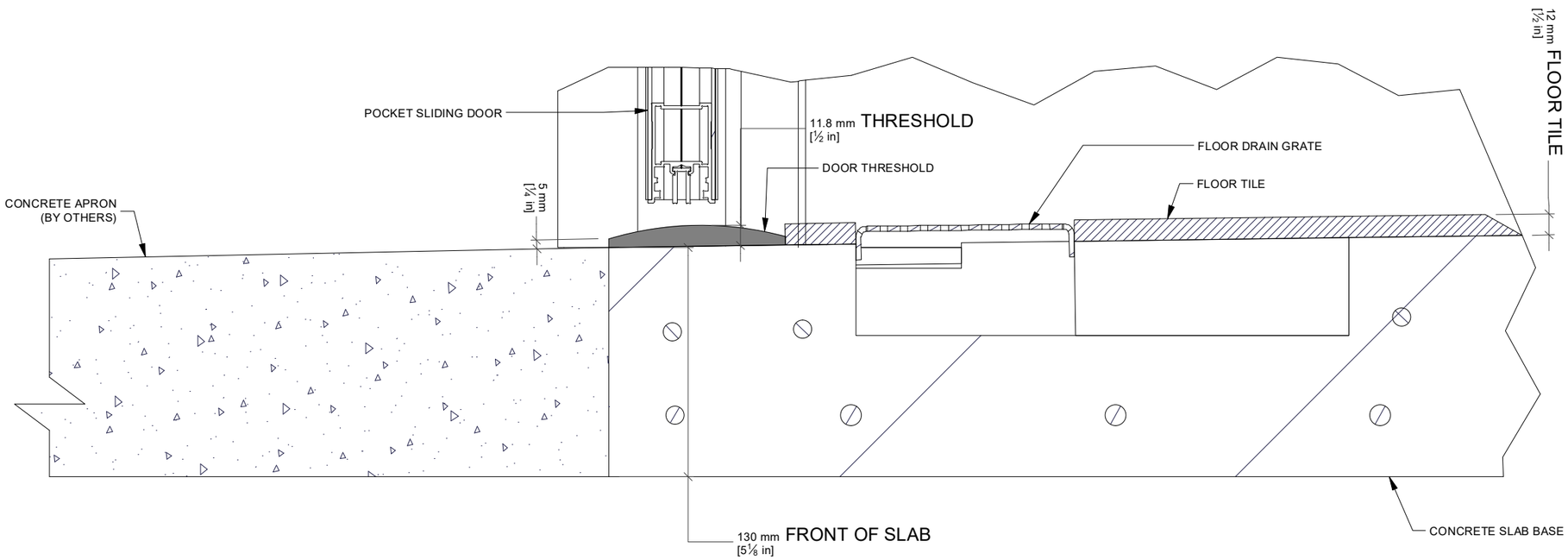
DOOR ENTRY & CONCRETE APRON
(1 : 3)



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+/-0.5	N.T.S.		

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CITY OF MORGAN HILL

CITY COUNCIL STAFF REPORT
MEETING DATE: November 2, 2022

PREPARED BY:
Michael Horta, Human Resources Director
APPROVED BY: City Manager

APPROVE THE REVISED COMMUNITY SERVICE OFFICERS ASSOCIATION (CSOA) SALARY SCHEDULES

RECOMMENDATION(S)

Approve the revised Community Service Officers Association (CSOA) salary schedules to include the approved Community Services Officer position.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities
Fostering a Positive Organizational Culture
Preserving and Cultivating Public Trust

2022-2023 Strategic Priorities
Fiscal Sustainability

REPORT NARRATIVE:

On June 15, 2022, the City Council approved the position and funds for the Community Services Officer position within the Fiscal Year 2022-23 and 2023-24 Operating Budget. The recommended salary range (Attachment 1) is aligned with the Council's approved employee compensation guiding principles. The salary range must be approved on the salary schedule prior to commencing the recruitment.

COMMUNITY ENGAGEMENT:

Inform
The Human Resources Team will post the approved Community Service Officers (CSOA) salary schedules on the Human Resources website page, as is the City's practice for all salary information.

ALTERNATIVE ACTIONS:

Amend the recommended Community Services Officer salary range. This alternative is not recommended as the proposed salary range has been included in the approved Operating Budget.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On June 15, 2022, the City Council approved the current Community Service Officers (CSOA) salary schedules.

FISCAL AND RESOURCE IMPACT:

The financial impact of the Community Services Officer was approved at the June 15, 2022 City Council meeting.

CEQA (California Environmental Quality Act):

Not a Project - Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

EXHIBIT A
COMMUNITY SERVICE OFFICERS ASSOCIATION SALARY SCHEDULES
December 26, 2021 - December 24, 2022

Effective 11/2022

4% Increase for All Classifications

Position	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly	F Monthly	F Hourly
Animal Services Officer	$5,170.62	$29.83	$5,429.15	$31.32	$5,700.61	$32.89	$5,985.64	$34.53	$6,284.92	$36.26	$6,599.17	$38.07
Community Services Officer	$6,127.33	$35.35	$6,433.70	$37.12	$6,755.38	$38.97	$7,093.15	$40.92	$7,447.81	$42.97	$7,820.20	$45.12
Police Records Specialist	$5,591.52	$32.26	$5,871.10	$33.87	$6,164.65	$35.57	$6,472.89	$37.34	$6,796.53	$39.21	$7,136.36	$41.17
Property/Evidence Tech	$6,194.17	$35.74	$6,503.87	$37.52	$6,829.07	$39.40	$7,170.52	$41.37	$7,529.05	$43.44	$7,905.50	$45.61
Public Safety Dispatcher	$7,441.73	$42.93	$7,813.81	$45.08	$8,204.50	$47.33	$8,614.73	$49.70	$9,045.46	$52.19	$9,497.74	$54.79
PSD Supervisor	$8,812.88	$50.84	$9,253.52	$53.39	$9,716.20	$56.05	$10,202.01	$58.86	$10,712.11	$61.80	$11,247.71	$64.89
Records Specialist Supervisor	$6,622.28	$38.21	$6,953.39	$40.12	$7,301.06	$42.12	$7,666.12	$44.23	$8,049.42	$46.44	$8,451.89	$48.76

EXHIBIT B
COMMUNITY SERVICE OFFICERS ASSOCIATION SALARY SCHEDULES
December 25, 2022 - December 23, 2023

Effective 12/25/2022

2.5% Increase for All Classifications

Position	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly	F Monthly	F Hourly
Animal Services Officer	$5,299.89	$30.58	$5,564.88	$32.11	$5,843.13	$33.71	$6,135.28	$35.40	$6,442.05	$37.17	$6,764.15	$39.02
Community Service Officer	$6,280.51	$36.23	$6,594.54	$38.05	$6,924.27	$39.95	$7,270.48	$41.95	$7,634.00	$44.04	$8,015.70	$46.24
Police Records Specialist	$5,731.31	$33.07	$6,017.88	$34.72	$6,318.77	$36.45	$6,634.71	$38.28	$6,966.44	$40.19	$7,314.77	$42.20
Property/Evidence Tech	$6,349.02	$36.63	$6,666.47	$38.46	$6,999.79	$40.38	$7,349.78	$42.40	$7,717.27	$44.52	$8,103.14	$46.75
Public Safety Dispatcher	$7,627.77	$44.01	$8,009.16	$46.21	$8,409.61	$48.52	$8,830.10	$50.94	$9,271.60	$53.49	$9,735.18	$56.16
PSD Supervisor	$9,033.20	$52.11	$9,484.86	$54.72	$9,959.10	$57.46	$10,457.06	$60.33	$10,979.91	$63.35	$11,528.90	$66.51
Records Specialist Supervisor	$6,787.84	$39.16	$7,127.23	$41.12	$7,483.59	$43.17	$7,857.77	$45.33	$8,250.66	$47.60	$8,663.19	$49.98

CITY OF MORGAN HILL

City Council

Meeting Minutes

Rich Constantine - Mayor
Gino Borgioli - Mayor Pro Tem
John McKay - Council Member
Yvonne Martinez Beltran - Council Member
Rene Spring - Council Member

Wednesday, September 28, 2022 6:00 PM

Virtual Meeting
Link to join the meeting can be found below

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 6:00 P.M. for the purpose of conducting a closed session.

CALL TO ORDER

Mayor Constantine called the Special City Council meeting to order at 6:02 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

PRESENT	Rich Constantine, Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran
ABSTAIN	None
ABSENT	None
EXCUSED	None

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

SPECIAL MEETING

6:00 P.M. Closed Session

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 6:03 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:03 p.m.

THREAT TO PUBLIC SERVICES OR FACILITIES (§ 54957)

Consultation with: Morgan Hill Police Department, Chief of Police

REGULAR MEETING

The Regular City Council meeting was called to order at 7:07 p.m.

RECOGNITIONS

Recognizing the Alzheimer's Association Walk to End Alzheimer's

PROCLAMATIONS

Proclaiming September 10, 2022 as Suicide Prevention Day
Proclaiming September 30, 2022 as Lewy Body Dementia Awareness Day
Proclaiming the week of September 17-23, 2022 as Constitution Week
Proclaiming the month of September 2022 as Childhood Cancer Awareness Month
Proclaiming the month of September 2022 as Latinx Heritage Month

CITY COUNCIL REPORTS

Councilmember Spring stated that his heart and thoughts went out to the victims of the school shooting in Oakland. He shared that the South County Regional Wastewater Authority will now meet quarterly instead of monthly. He announced that the Santa Clara Valley Habitat Agency Governing and Implementation Boards, thanks to the collaboration with other nonprofits, have been able to secure another large piece of land. In most cases, these pieces of land are in the South Bay, Morgan Hill-Coyote Valley area. He thanked Janet Leibrers-Leach and her sister Monica Librers and City staff for their hard work on the Peace Pole project.

CITY MANAGER'S REPORT

City Manager Christina Turner reminded the community that Sidewalk Saturdays have started again and will go through November 26th from 9 a.m. to 1 p.m. She shared that on October 13th from 10-11:30 a.m. we are working with the Chamber of Commerce in honor of Manufacturing Week and will be featuring two panels with leading industry experts. She spoke regarding the Town Hall held on September 27th with PG&E. PG&E went through the outages and provided good information and answered some questions. While the information is good, it is not enough yet and we are asking for more. They have agreed to come to a future Council Meeting which will provide an opportunity for our Council and Community to engage with them. The video for the town hall is available on our website.

CITY ATTORNEY'S REPORT

City Attorney Don Larkin had no report.

OTHER REPORTS

Council Member Martinez Beltran shared that she is part of the League of California Cities Latino Caucus and they will have their regional mixer on October 6th from 5:30-7:30 p.m. at Guglielmo Winery.

Council Member McKay thanked City Manager Turner for her opening statements at the Town Hall with PG&E. He shared that he lost his father to Alzheimer's and asked that the City extend the Lewy Body Dementia proclamation through the month of October.

PUBLIC COMMENT

Public comment opened at 7:23 p.m. The following people were called to speak:
Chuck Berghoff and Nick Gaich
Chris Tremaine and Judy McAndress
There being no further requests to speak, public comment closed.

ADOPTION OF AGENDA

MOTION:
Adopting the agenda as posted.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member McKay

AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

MOTION:

Approving consent items 2, 6 through 8,10, and 11.

RESULT:	Passed
MOVER:	Mayor Pro Tem Borgioli
SECONDER:	Council Member McKay
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

2. ACCEPTANCE OF EAST FIFTH STREET SEWER MAIN PROJECT IN THE AMOUNT OF $1,334,087

Recommendation:

1. Accept as complete the East Fifth Street Sewer Main Project;
2. Authorize the City Engineer to sign the Notice of Completion; and
3. Direct the City Clerk to file said Notice of Completion with the County Recorder's Office.

6. APPROVE PURCHASE OF REPLACEMENT PUMPS FOR LIFT STATION A

Recommendation:

Approve and authorize the City Manager to execute a purchase order to Shape Inc. in the amount of $64,166 for Lift A Station replacement pumps.

7. APPROVE COMMISSION WORK PLANS

Recommendation:

1. Approve the proposed Parks and Recreation Commission FY 2022-23 Work Plan; and
2. Approve the proposed Library, Culture and Arts Commission FY 2022-23 Work Plan.

8. APPROVE THE AUGUST 3, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:
Approve minutes.

10. AUTHORIZE PURCHASE OF THREE POLICE VEHICLES TO INCLUDE BUILD-OUT OF COMMUNICATION AND SAFETY EQUIPMENT

Recommendation:

1. Authorize the purchase and build-out of two unmarked police vehicles: 2023 Toyota Tacoma and 2023 Toyota Sienna, for a total amount not to exceed $116,409, which includes a 10% contingency of $10,583 from Priority 1 Public Safety Equipment;
2. Authorize the purchase and build-out of one Ford Explorer for use as Municipal Services Officer Patrol Vehicle for an amount not to exceed $98,435, which includes a 10% contingency of $8,949 from Priority 1 Public Safety Equipment;
3. Authorize the purchase of police radio equipment from Motorola for an amount not to exceed $25,611; and
4. Authorize the repurposing of two vehicles as pool cars: 2014 Ford Fusion (VIN ending in 007) and 2014 Honda Accord (VIN ending in 850).

11. AWARD TREE MAINTENANCE SERVICE AGREEMENT

Recommendation:

1. Award a Maintenance Service Agreement to West Coast Arborists, Inc. for up to $652,000 ($326,000 annually for a two-year period) subject to future annual budget appropriations by the City Council; and
2. Authorize the City Manager to execute and administer the said agreement.

ITEMS PULLED FOR DISCUSSION

1. ADOPT RESOLUTION DETERMINING THAT CONDUCTION OF IN-PERSON MEETINGS WOULD PRESENT A PUBLIC HEALTH RISK AND CONTINUING TELECONFERENCE MEETINGS

Recommendation:
Adopt resolution to continue holding City Council and commission meetings by teleconference.

City Manager Christina Turner provided the report.

Public comment opened at 7:56 p.m. The following people were called to speak:
Marby Lee
Chris Tremaine
Joe Baranowski
There being no further requests to speak, public comment closed.

MOTION:
Adopting the resolution amending it to expire on Tuesday, October 18, 2022.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Mayor Constantine
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

3. ADOPT RESOLUTION OF INTENTION TO FORM THE MORGAN HILL PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, AND AUTHORIZING THE CITY MANAGER TO SIGN BALLOT, AND OTHER DOCUMENTS FOR ALL CITY-OWNED PROPERTIES IN SUPPORT OF THE FORMATION OF THE MORGAN HILL PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

Recommendation:

1. Adopt Resolution of Intention to Form the Morgan Hill Property and Business Improvement District; and
2. Authorize the City Manager to sign the ballot and other related documents for all City-owned properties in support of the formation of the Morgan Hill Property and Business Improvement District.

Economic Development Director Matt Mahood provided a report and presentation.

Public comment opened at 8:52 p.m. The following people were called to speak:
Rosy Bergin
Joe Baranowski
Nick Gaich
There being no further requests to speak, public comment closed.

MOTION:
Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member McKay
SECONDER:	Mayor Pro Tem Borgioli
AYES:	Mayor Constantine, Mayor Pro Tem Borgioli, Council Member McKay
NAYS:	Council Member Spring, Council Member Martinez Beltran
ABSTAIN:	None
ABSENT:	None

The meeting recessed at 9:09 p.m. and reconvened at 9:15 p.m.

4. APPROVE PARCEL MAP AND RELATED SUBDIVISION IMPROVEMENTS AGREEMENT AND SUBSEQUENT DEVELOPMENT REIMBURSEMENT AGREEMENT FOR THE REDWOOD TECH AT 101 PROJECT (NORTHERN INTERSECTION OF HALF ROAD AND CONDIT ROAD WITH ASSESSOR PARCEL NUMBERS 728-30-006 AND 728-30-009)

Recommendation:

1. Approve the Parcel Map for the Redwood Tech at 101 Project;
2. Approve a Subdivision Improvements Agreement with TC Morgan Hill Venture, LLC;
3. Approve a Subsequent Development Reimbursement Agreement with TC Morgan Hill Venture, LLC; and
4. Authorize the City Manager to execute the Subdivision Improvements Agreement and Subsequent Development Reimbursement Agreement.

City Attorney Donald Larkin provided the report.

Public comment opened at 9:20 p.m. The following people were called to speak:
Miguel Jimenez
Joe Baranowski

Will Parker
Susie Jimenez
John
David Blackwell
Mike Oxlong
There being no further requests to speak, public comment closed.

MOTION:
Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Council Member McKay
AYES:	Mayor Constantine, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	Council Member Spring
ABSTAIN:	None
ABSENT:	None

5. APPROVE CONSULTANT SERVICES AGREEMENT WITH JAYSON ARCHITECTURE FOR THE CONCEPTUAL DESIGN PLANNING OF THE VILLA MIRA MONTE EXPANSION

Recommendation:
Authorize the City Manager to execute a professional consultant agreement with Jayson Architecture for $300,000 for the conceptual design of the Villa Mira Monte Expansion.

Public Services Director Chris Ghione provided a report.

Public comment opened at 9:59 p.m.
Joe Baranowski was called to speak.
There being no further requests to speak, public comment closed.

MOTION:
Approving the recommended action.

RESULT:	Passed
MOVER:	Mayor Pro Tem Borgioli
SECONDER:	Council Member Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay
NAYS:	Council Member Martinez Beltran
ABSTAIN:	None

ABSENT:	None

9. APPROVE THE AUGUST 17, 2022 CITY COUNCIL MEETING MINUTES

Recommendation:
Approve minutes.

MOTION:
Continuing item 13 to a date certain of October 19, 2022, and continuing items 15 and 16 to a future meeting.

RESULT:	Passed
MOVER:	Mayor Constantine
SECONDER:	Council Member Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

Public comment opened at 10:11 p.m.
Joe Baranowski was called to speak.
There being no further requests to speak, public comment closed.

MOTION:
Approving the recommended action.

RESULT:	Passed
MOVER:	Mayor Constantine
SECONDER:	Council Member Martinez Beltran
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

12. RELEASING UNCLAIMED CREDITS LESS THAN $15

Recommendation:
Adopt resolution to release unclaimed credits less than $15.

Finance Director Dat Nguyen provided a report.

Public comment opened at 10:16 p.m. There being no requests to speak, public comment closed.

MOTION:
Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Council Member Spring
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC HEARINGS

13. INTRODUCE AN ORDINANCE TO AMEND THE TEXT OF TITLE 14 RELATED TO INCLUSIONARY HOUSING AND TITLE 18 RELATED TO THE DENSITY BONUS LAW

Recommendation:

1. Open/close the public hearing;
2. Waive first and second reading of the Ordinance; and
3. Introduce the Ordinance as recommended by staff and the Planning Commission.

Continued to October 19, 2022.

14. CONDUCT TAX AND EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) HEARING APPROVING ISSUANCE OF BONDS FOR MORGAN HILL SENIOR APARTMENTS LOCATED DIRECTLY SOUTH OF SAN PEDRO AVENUE, EAST OF MONTEREY ROAD AND WEST OF CHURCH STREET WITHIN THE CITY OF MORGAN HILL

Recommendation:

1. Open/close public hearing consistent with the requirements of the Federal Tax and Equity Fiscal Responsibility Act ("TEFRA") and Section

147 (f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

2. Adopt resolution approving the issuance of bonds by the California Municipal Finance Authority (CMFA), for the acquisition, construction, improvement and equipping of a 82-unit multifamily rental housing project located on a 1.89-acre parcel situated directly south of San Pedro Avenue, east of Monterey Road and west of Church Street, in the City of Morgan Hill, California (the "City").

Housing Director Rebecca Garcia provided a report and presentation.

The public hearing opened at 10:20 p.m. There being no requests to speak, the public hearing closed.

MOTION:
Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Mayor Pro Tem Borgioli
AYES:	Mayor Constantine, Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	None

OTHER BUSINESS

15. RECEIVE MONTHLY BUDGET UPDATE AND AUGUST 2022 FINANCIAL AND INVESTMENT REPORTS

Recommendation:
Accept and file report.

Continued to a future meeting.

16. COMMUNITY FUNDING POLICY REVIEW AND UPDATE

Recommendation:
Review policy and direct staff to make any updates to the Community Funding Policy.

Continued a future meeting.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Councilmember McKay requested a summit of the law enforcement agencies to address cut-through-traffic.

Councilmember Martinez Beltran requested an item to see if the unclaimed funds could go into a community fund.
Councilmember Martinez Beltran asked for an item to discuss the MOUs with community groups that we are in partnership with to discuss the recruitment of their boards.

Councilmember Borgioli requested a discussion about Council norms and attending the meetings prepared.

ADJOURNMENT

There being no further business, Mayor Constantine adjourned the meeting at 10:24 p.m.

Minutes Prepared by:
Michelle Bigelow, City Clerk

CITY OF MORGAN HILL

City Council

Meeting Minutes

Rich Constantine - Mayor
Gino Borgioli - Mayor Pro Tem
John McKay - Council Member
Yvonne Martinez Beltran - Council Member
Rene Spring - Council Member

Wednesday, October 19, 2022 7:00 PM

Hybrid Meeting
17555 Peak Avenue, Morgan Hill, CA 95037 and Virtual (Link to join the meeting can be found below)

CALL TO ORDER

Mayor Pro Tem Borgioli called the meeting to order at 7:02 p.m.

ROLL CALL ATTENDANCE

Deputy City Clerk Angie Gonzalez called the roll.

PRESENT	Rene Spring, Gino Borgioli, John McKay, Yvonne Martinez Beltran (arrived at 7:05 p.m.)
ABSENT	Rich Constantine

DECLARATION OF POSTING AGENDA

Deputy City Clerk Angie Gonzalez declared the posting of the agenda.

PRESENTATIONS

YAC Presentation- Asset # 5- Caring School Climate

CITY COUNCIL REPORTS

Councilmember Yvonne Martinez Beltran shared that she was appointed as Vice Chair of Housing, Community, and Economic Development for the CalCities Policy

Committee. She attended the Peninsula Division Luncheon for a discussion on reliable energy supply, aligned cities, and community choice aggregation roles. She shared that the Plein Air Event was fantastic and she was really moved by the art. She announced that the Dia De Los Muertos event will be on the 28th of October. They will light up a 6-foot altar and play the movie Encanto. She concluded by announcing that Savor Del Valle held a fundraiser dinner and they were able to give the Grange a $4,500 grant.

CITY MANAGER'S REPORT

City Manager Christina Turner expressed her excitement for our first hybrid meeting. She thanked the professional team and the Council for their efforts in getting ready for hybrid meetings. Many cities are moving forward with in-person meetings and not offering a hybrid capability for streamlining. We have learned that hybrid meetings have a lot of technical complexity and require investment and infrastructure. However, we know that hybrid meetings make our meetings more accessible to all members of the community and we are committed to doing our best to allow for remote community engagement. She asked the community to be mindful that technology, including audio/video and streaming is a work in progress. And that we are still working out the integration of multiple platforms, which include in-person, zoom, channel 17 and facebook. She stated that we have varying levels of comfort regarding the status of Covid in our community. The County is still recommending masks for in-person meetings. The City is not requiring masks at our meetings but does have masks available for anyone who would like one.

She reminded everyone of the City Council's Norms. While these norms are intended for City Council, many of them apply to the community. She highlighted the first two – be respectful of each other, and address the issue, not the person. We all share the common purpose of making Morgan Hill the best community ever, and while we all have different viewpoints and roles, let's always respect each other, consistent with our recent Morgan Hill Together program.

She concluded by sharing a few announcements:
October 20th, the City of Morgan Hill will join millions of people worldwide by participating in the Great California Shakeout earthquake drill. Each City facility will practice an initial safety reaction to an earthquake by dropping, covering, and holding on to a desk or table leg until the simulated earthquake stops. Teammates will then evacuate to their designated assembly points. An interesting update to outdated advise is that getting in a doorway during an earthquake is no longer considered safe. We now recognize that doorways are not stronger than any other part of a building and do not provide protection from falling or flying objects and will not be a safe space in the rare case of building collapse. Our participation will be run by our Safety Committee and Office of Emergency Services.

Saturday, October 29th, join the Make it Magical Team/Kindness Ambassadors and the Youth Action Council leaders for a fun afternoon full of music, a pumpkin painting project, face painting, and a costume parade. The event is called "Spooktacular in the Park" and will be at the Magical Bridge Playground from 3:30 – 5:30 p.m. All Ages! All Abilities! All Welcome!

Monday, October 31st, the Morgan Hill Downtown Association is hosting "Safe Trick-or-Treat" from 5:00 – 7:00 p.m. Downtown businesses make it fun and safe!

The General Election is on Tuesday, November 8th, less than three weeks away! There are multiple events and resources available, including the Santa Clara County

Registrar of Voters, to help voters learn about the voting process, how to register, individual candidates, and issues in the election. Please see our website for more information.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin announced that the 6th District Court of Appeals upheld our ordinance requiring gun owners whose guns are lost or stolen to report the theft or loss within two days.

OTHER REPORTS

None.

PUBLIC COMMENT

Public Comment Supplement

Public comment opened at 7:23 p.m.
Joe Baranowski was called to speak. Miguel Jimenez and Robert Guynn ceded their time to him.
There being no further requests to speak, public comment closed.

ADOPTION OF AGENDA

MOTION:
Adopting the agenda as posted

RESULT:	Passed
MOVER:	Council Member McKay
SECONDER:	Council Member Spring
AYES:	Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Constantine

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

MOTION:
Approving consent calendar items 1 through 3.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member Martinez Beltran
AYES:	Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Constantine

1. ACCEPT ANNUAL EVALUATION REPORT FOR THE SANTA CLARA COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI) FOR FY 2021-22 (YEAR 1) RELATING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROGRAM

Recommendation:
Accept the Annual Evaluation Report for FY 2021-22 (Year 1) for the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information (PPI).

2. UPDATE THE LIBRARY, CULTURE, AND ARTS COMMISSION (LCAC) WORK PLAN TO INCLUDE "MORGAN HILL STANDS UNITED AGAINST HATE" CAMPAIGN

Recommendation:
Approve an update to the LCAC Work Plan.

3. RECEIVE MONTHLY BUDGET UPDATE AND AUGUST 2022 FINANCIAL AND INVESTMENT REPORTS

Recommendation:
Accept and file report.

PUBLIC HEARINGS

4. INTRODUCE AN ORDINANCE TO AMEND THE TEXT OF TITLE 14 RELATED TO INCLUSIONARY HOUSING AND TITLE 18 RELATED TO THE DENSITY BONUS LAW

Recommendation:

1. Open/close the continued public hearing;
2. Waive the first and second reading of the Ordinance; and
3. Introduce the Ordinance as recommended by staff and the Planning Commission.

Assistant City Attorney Cynthia Hasson provided a presentation and answered questions.

The public hearing opened at 7:57 p.m.
Joe Baranowski was called to speak.
There being no further requests to speak, the public hearing closed.

MOTION:
Waiving the first and second reading of the ordinance.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member Martinez Beltran
AYES:	Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Constantine

MOTION:
Introducing the ordinance striking the language designating Development Services Director in Chapter 18.48 to retain final approval of density bonuses and concessions at the City Council.

RESULT:	Passed
MOVER:	Mayor Pro Tem Borgioli
SECONDER:	Council Member Spring
AYES:	Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None

ABSENT:	Mayor Constantine

City Council recessed at 8:16 p.m. and reconvened at 8:27 p.m.

OTHER BUSINESS

5. ACCEPT MORGAN HILL TOURISM BUSINESS IMPROVEMENT DISTRICT (MHTBID) OWNERS ASSOCIATION ANNUAL REPORT (DBA VISIT MORGAN HILL)

Recommendation:
Accept and file the Visit Morgan Hill Annual Report.

Executive Director for Visit Morgan Hill Krista Rupp provided a presentation and answered questions.

Public comment opened at 9:08 p.m. There being no requests to speak, public comment closed.

MOTION:
Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member McKay
SECONDER:	Council Member Martinez Beltran
AYES:	Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Constantine

6. ACCEPT 2022 PUBLIC HEALTH GOALS REPORT ON WATER QUALITY

Recommendation:

1. Receive public comment; and
2. Accept and file the June 2022 Public Health Goals Report on Water Quality for the City of Morgan Hill.

Deputy Director for Utilities Services James Sylvain presented the report and answered questions.

Public comment opened at 9:22 p.m. Hearing no requests to speak, public comment closed.

MOTION:
Approving the recommended actions.

RESULT:	Passed
MOVER:	Council Member Spring
SECONDER:	Council Member Martinez Beltran
AYES:	Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Constantine

7. INTRODUCE AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CHAPTERS 15.08 (BUILDING CODE),15.12 (ELECTRICAL CODE), 15.16 (MECHANICAL CODE), 15.20 (PLUMBING CODE), AND 15.44 (FIRE CODE) TO ADOPT BY REFERENCE THE 2022 CALIFORNIA STATE BUILDING STANDARDS CODES KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AMENDING CHAPTER 15.25 (PROPERTY MAINTENANCE) TO ADOPT BY REFERENCE THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO MAKE MINOR CHANGES TO SECTIONS IN CHAPTERS 15.65 (SUSTAINABLE BUILDING REGULATIONS) AND 15.66 (SWIMMING POOLS) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE MORGAN HILL MUNICIPAL CODE

Recommendation:

1. Waive reading;
2. Introduce the ordinance by title; and
3. Set November 2, 2022 at 7:00 p.m. as the date and time for a public hearing to consider adoption of an ordinance.

Building Official Eric Blomquist provided a presentation.

Public comment opened at 9:31 p.m. Hearing no requests to speak, public comment closed.

MOTION:
Approving the recommended action

RESULT:	Passed
MOVER:	Council Member McKay
SECONDER:	Council Member Martinez Beltran
AYES:	Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None

ABSENT:	Mayor Constantine

8. RECEIVE MONTHLY BUDGET UPDATE; SEPTEMBER 2022 FINANCIAL AND INVESTMENT REPORTS; AND THE CITY MANAGER AUTHORITY REPORT

Recommendation:
Accept and file report.

Finance Director Dat Nguyen provided a presentation and answered questions.

Public comment opened at 9:46 p.m.
Joe Baranowski was called to speak.
Hearing no further requests to speak, public comment closed.

9. APPROVE DRAFT CONDIT ROAD SPORTS FACILITIES MASTER PLAN

Recommendation:

1. Provide comments and feedback on the proposed Draft Condit Road Sports Facilities Master Plan; and
2. Approve Draft Condit Road Sports Facilities Master Plan.

Public Services Director Chris Ghione provided a presentation and answered questions.

Public Comment opened at 10:41 p.m.
Joe Baranowski was called to speak.
Hearing no requests to speak, public comment closed.

MOTION:
Approving the recommended action.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Council Member McKay
AYES:	Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Constantine

10. COMMUNITY FUNDING POLICY REVIEW AND UPDATE

Recommendation:
Review policy and direct staff to make any updates to the Community Funding Policy.

Public Services Director Chris Ghione presented the report and answered questions.

Public comment opened at 10:55 p.m. Hearing no requests to speak, public comment closed.

MOTION:
Extending the meeting to 11:05 p.m.

RESULT:	Passed
MOVER:	Council Member Martinez Beltran
SECONDER:	Council Member Spring
AYES:	Council Member Spring, Mayor Pro Tem Borgioli, Council Member McKay, Council Member Martinez Beltran
NAYS:	None
ABSTAIN:	None
ABSENT:	Mayor Constantine

MOTION:
Approving the policy with the removal of section 1e.

RESULT:	Failed
MOVER:	Council Member Spring
SECONDER:	Council Member Martinez Beltran
AYES:	Council Member Spring, Council Member Martinez Beltran
NAYS:	Mayor Pro Tem Borgioli, Council Member McKay
ABSTAIN:	None
ABSENT:	Mayor Constantine

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

Mayor Pro Tem Borgioli thanked staff for their work on our first hybrid meeting.
The being no further business, the meeting adjourned at 11:02 p.m.

Minutes Prepared by:
Angie Gonzalez, Deputy City Clerk

CITY OF MORGAN HILL

CITY COUNCIL STAFF REPORT
MEETING DATE: November 2, 2022

PREPARED BY:
Angie Gonzalez, Deputy City Clerk
APPROVED BY: City Manager

ADOPT ORDINANCE 2337, NEW SERIES, AMENDING CHAPTERS 15.08 (BUILDING CODE),15.12 (ELECTRICAL CODE), 15.16 (MECHANICAL CODE), 15.20 (PLUMBING CODE), AND 15.44 (FIRE CODE) TO ADOPT BY REFERENCE THE 2022 CALIFORNIA STATE BUILDING STANDARDS CODES KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AMENDING CHAPTER 15.25 (PROPERTY MAINTENANCE) TO ADOPT BY REFERENCE THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO MAKE MINOR CHANGES TO SECTIONS IN CHAPTERS 15.65 (SUSTAINABLE BUILDING REGULATIONS) AND 15.66 (SWIMMING POOLS) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE MORGAN HILL MUNICIPAL CODE

RECOMMENDATION(S)

1. Open/close the public hearing;
2. Waive the second reading of the ordinance; and
3. Adopt the ordinance.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities
Enhancing Public Safety
Preserving and Cultivating Public Trust

REPORT NARRATIVE:

On October 19, 2022, the City Council introduced Ordinance No. 2337 New Series, by the following roll call vote: AYES: Borgioli, Martinez Beltran, McKay, Spring; NOES: None; ABSTAIN: None; ABSENT: Constantine.

Pursuant to the California Health and Safety Code, the California Building Standards Commission is required to adopt certain uniform codes triennially. This code is the 2022 California Building Standards Code located in California Code of Regulations, Title 24 of the California Health and Safety Code. This consists of twelve different parts and provides the uniform building standards throughout California. Local agencies may amend the uniform codes adopted by the Commission upon making findings related to local geographic, topographic, and climatic conditions. If local agencies do not act to amend the code, the versions adopted by the Commission shall govern.

In order to maintain the existing Morgan Hill local code amendments that were made to the previous edition of the California Building Standards Code and to adopt additional new code amendments, it is necessary to revise certain Chapters of Title 15 (Building and Construction) of the City's Municipal Code.

Chapters 15.08 (Building Code), 15.12 (Electrical Code), 15.16 (Mechanical Code), and 15.20 (Plumbing Code) will be revised to adopt the 2022 California Building Standards Codes and amend the appropriate sections to maintain the previously adopted local code amendments.

Chapter 15.44 (Fire Code) will be revised to adopt the 2022 California Fire Code and amend certain sections as recommended by the City Fire Marshal to maintain the previously adopted local code amendments and provide consistency with other jurisdictions.

Chapter 15.25 (Property Maintenance) will be revised to adopt the 2021 International Property Maintenance Code and amend the appropriate sections to maintain the previously adopted local code amendments.

Chapter 15.65 (Sustainable Building Regulations) has been revised to provide a general reference to a California Building Standards Code rather than a specific code year, thus eliminating the need to update this section with every triennial code adoption.

Chapter 15.66 (Swimming Pools) has been revised to provide clarification for a required pool enclosure and provide consistency with the California Building Code and California Health and Safety Code regarding the characteristics of this drowning prevention enclosure.

COMMUNITY ENGAGEMENT:

Inform: The Building Division will provide building code update outreach to the local development community, contractors, and homeowners.

ALTERNATIVE ACTIONS:

Not Applicable.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On November 6, 2019, Council adopted Ordinance 2307 adopting the 2019 California State Building Standards Code and the 2018 International Property Maintenance Code.

FISCAL AND RESOURCE IMPACT:

Periodic reviews and updates of the City’s Municipal Code, including Building Standards, are part of the staff’s annual workplan. The primary resources allocated to this update were from the Development Services Department.

CEQA (California Environmental Quality Act):

Adoption of an ordinance and resolution regarding Building and Fire Codes is exempt from the requirements of the California Environmental Quality Act (CEQA) under Title 14 of the California Code of Regulations, Section 15061(b)(3), in that it is not a Project which has the potential for causing a significant effect on the environment. The action being considered by the City Council is an administrative activity of government that will

not result in the direct or indirect physical change in the environment. This action entails adoption of State mandated Building Codes that are enforceable upon the City. Minor amendments will not have a significant effect on the environment because the strengthened requirements reduce hazards and accommodate features to reduce environmental effects.

ORDINANCE NO. 2337, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CHAPTERS 15.08 (BUILDING CODE),15.12 (ELECTRICAL CODE), 15.16 (MECHANICAL CODE), 15.20 (PLUMBING CODE), AND 15.44 (FIRE CODE) TO ADOPT BY REFERENCE THE 2022 CALIFORNIA STATE BUILDING STANDARDS CODES KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AMENDING CHAPTER 15.25 (PROPERTY MAINTENANCE) TO ADOPT BY REFERENCE THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO MAKE MINOR CHANGES TO SECTIONS IN CHAPTERS 15.65 (SUSTAINABLE BUILDING REGULATIONS) AND 15.66 (SWIMMING POOLS) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE MORGAN HILL MUNICIPAL CODE

WHEREAS, Health and Safety Code Section 17922 requires that the State adopt building standards and rules and regulations ("State Building Standards Code") and that such State Building Standards Code impose substantially the same requirements as are contained in the most recent editions of specified uniform industry codes; and

WHEREAS, Health and Safety Code Section 17958 allows the City Council to adopt ordinances or regulations which impose the same requirements as the State Building Standards Code or make changes or modifications to the State Building Standards Code upon express findings that that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the Building Standards, along with any changes or modifications made by the City Council, become effective 180 days after publication by the California Building Standards Commissions; and

WHEREAS, the City Council desires to adopt the 2022 State Building Standards Code, including the California Building Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, and the California Fire Code, as published by the California Building Standards Commission, along with changes and modifications reasonably necessary because of local climatic, geological, or topographical conditions, based on findings set forth in this ordinance; and

WHEREAS, the Building Official and the Fire Department have determined that local amendments to the State Building Standards Codes are necessary due to unique conditions that exist in the City of Morgan Hill; and

WHEREAS, amendments related to fire and life-safety contained in the 2022 State Building Standards Code as recommended by the City Building Official and the Fire Department

are hereby found to be reasonably necessary due to the following local conditions, along with additional express findings that are already on file with the California Building Standards Commission:

A. Climatic Conditions
Santa Clara County and the City of Morgan Hill are located in a semi-arid Mediterranean type climate which predisposes all fuels to rapid ignition and spread of fire. Hot, dry winds and low humidities are common to all areas within the City of Morgan Hill and Santa Clara County in general. Winter rains promote the growth of grass and brush. This vegetation presents heavy dry fuel loads in the summer months. These conditions are conducive to the ready ignition, propagation, and spread of grass, brush, and structure fires. These conditions, which can cause small brush fires that spread quickly, are a contributing factor to the high fire danger in the area and create the need for an increased level of fire protection. This added protection will supplement normal fire department response and provide immediate protection for life and safety of multiple occupancy occupants during fire occurrences.

B. Topographic Conditions
The topography of Morgan Hill has hillside homes on each side of the City with long response times for safety equipment. The City foothills cause many problems for firefighters, including long response times, inadequate water supply, and unlimited fuel. Fog, heavy rains, mud slides, and earthquakes are other common occurrences which negatively affect the ability of the City's public safety resources to respond to emergency situations. The City is in a Category D seismic activity classification. Many traffic corridors such as Highway 101, Monterey Road, Union Pacific Railroad, related bridges, underpasses, and crossings are subject to obstruction in the event of an earthquake, traffic accident, hazardous material spill, or other disaster.

C. Geographic Conditions
1. Santa Clara County and the City of Morgan Hill are located within the seismically active San Francisco Bay region. The significant earthquakes in the region are generally associated with the crustal movements along well-defined, active fault zones. The nearest known active faults are the San Andreas Fault, approximately 12 miles southwest of Morgan Hill and the Calaveras Fault, approximately one mile northeast. Both faults have produced major earthquakes in the past and have estimated maximum credible Richter magnitudes of 8.3 and 7.3, respectively. The Sargent-Berrocal Fault, a potentially active fault, lies approximately ten miles away and has an estimated maximum credible Richter magnitude of 7.3. The Coyote Creek Fault is located in Morgan Hill and is classified as potentially active as well. In addition, several unnamed faults traverse the western slopes of the upland areas.
2. Regional planning for reoccurrence is recommended by the State Department of Conservation. The October 17, 1989 Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district but, when combined with the 34 other fires and over 500 responses, the fire department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district

burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas lines and electric lines as a result of an earthquake.

3. Traffic and circulation congestion presently existing in the City of Morgan Hill often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake where damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.
4. The City of Morgan Hill is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights, and utility poles, greatly impact the response time to reach an incident scene.
5. The City of Morgan Hill is located in the middle of a seismically active area. The viability of the public water system would be questionable at best after a major seismic event. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks, there exists a need to provide increased protection for anyone on upper floors.
6. The City of Morgan Hill is located approximately sixteen miles from the ocean. The City's typical ground water level is between ten and twenty feet. This condition makes the City more prone to subsidence issues than most inland communities; and

WHEREAS, the 2021 International Property Maintenance Code corrects duplicative provisions of the Municipal Code Property Maintenance Chapter (Chapter 15.24) and;

WHEREAS, minor changes are proposed by the Building Official to the Sustainable Building Regulations Chapter (Chapter 15.65) and the Swimming Pools Chapter (Chapter 15.66) of the Morgan Hill Municipal Code correcting inconsistency with State regulations.

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 15.08 (Building Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read:

"Chapter 15.08 - BUILDING CODE

Sections:

15.08.010 Adoption of the 2022 California Building Code and the 2022 California

Residential Code, and other parts of the State Buildings Standards Code.
15.08.020 Short title.
15.08.030 Organization, enforcement, fees, and inspections.
15.08.040 Additions, amendments, and deletions.
15.08.050 Building over utility easements.
15.08.060 Section R313.1 and R313.2 amended – Automatic Fire Sprinklers Systems
15.08.070 Section 2308.6.3 and R602.10.4 , amended – Braced wall panel methods (gypsum board and Portland cement plaster).
15.08.080 Section 1907.1 and R506.1 amended - Minimum slab provisions.
15.08.90 Violation—Penalty.

15.08.010 - Adoption of the 2022 California Building Code, the 2022 California Residential Code and other parts of the State Building Standards Code.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 as published by the California Building Standards Commission, as further described and including the following:

- 2022 California Administrative Code (California Code of Regulations Title 24, Part 1).
- 2022 California Building Code (California Code of Regulations Title 24, Part 2) based on the 2021 International Building Code; as prepared by the International Code Council, and as amended by the State of California.
- 2022 California Residential Code (California Code of Regulations Title 24, Part 2.5) based on the 2021 International Residential Code; as prepared by the International Code Council, and as amended by the State of California.
- 2022 California Energy Code (California Code of Regulations Title 24, Part 6).
- 2022 California Historical Building Code (California Code of Regulations Title 24, Part 8).
- 2022 California Existing Building Code (California Code of Regulations Title 24, Part 10) based on the 2021 International Existing Building Code; as prepared by the International Code Council, and as amended by the State of California.
- 2022 California Green Building Standards Code (California Code of Regulations Title 24, Part 11).
- 2022 California Referenced Standards Code (California Code of Regulations Title 24, Part 12).

Such code shall include those sections requiring enforcement by the Morgan Hill Building Department, and, as further amended by the City of Morgan Hill, provisions intended to address local climatic, geologic, and topographic conditions as permitted by state law. Adoption of said code shall include the adoption of Appendices I, and J, including Division II Scope and Administration, contained in the 2022 California Building Code and Appendices AH, including Division II Administration of the 2022 California Residential Code.

Such code shall be and become the City of Morgan Hill Building Code regulating the erection, construction, alteration, repair, relocation, demolition, occupancy, use, height, area, and

maintenance of all buildings and structures and certain equipment therein specifically regulated. The provisions of said code shall provide for the issuance of permits and certificates of occupancy, the collection of fees thereof, and penalties for violation of such code.

At least one copy of the City of Morgan Hill Building Code has been deposited in the office of the city building official and is available for public inspection.

15.08.020 - Short title.

This chapter shall be known as the "building code" and may be cited as such.

15.08.030 - Organization, enforcement, fees, and inspections.

The organization, enforcement, fees, and inspections shall comply with the 2022 California Building Code. The building official may use the building valuation data from the International Code Council and incorporate a regional cost modifier for determining a "cost per square foot."

15.08.040 - Additions, amendments, and deletions.

The following provisions of the California Building Code and California Residential Code shall be added, amended, or deleted as follows:

A. The following sections in the California Building Code are amended by this chapter: 2308.6.3, and 1907.1.

B. The following section in the California Residential Code is amended by this chapter: R313.1, R313.2, R506.1 and R602.10.4.

15.08.050 - Building over utility easements.

It is unlawful for any person, firm, or corporation to erect, construct, or maintain any structure, building, garage, carport, storage shed, or other similar building over or within the boundary of any utility easement. "Utility easement" as used in this section includes any easement for a gas line, water line, storm drainage line, sewer line or buried or overhead electrical or telephone lines.

15.08.060 – Section R313.1 and R313.2 amended—Automatic Fire Sprinkler Systems.

A. Section R313.1 of the 2022 California Residential Code, is hereby amended to read in its entirety:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses if the addition does not exceed 1200 square feet or result in a total building area of more than 3600 square feet and an existing automatic residential fire sprinkler system is not installed.

B. Section R313.2 of the 2022 California Residential Code is amended to read in its entirety:

R313.2 One- and two-family dwellings automatic fire sprinkler systems**.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception:

1. An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing buildings if the addition does not exceed 1200 square feet or result in a total building area of more than 3600 square feet and an existing automatic residential fire sprinkler system is not installed.

2. Accessory Dwelling Unit, provided that all of the following are met:
2.1. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
2.2. The existing primary residence does not have automatic fire sprinklers.
2.3. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
2.4. The unit is on the same lot as the primary residence.

C. Findings. The City of Morgan Hill is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights, and utility poles, greatly impact the response time to reach an incident scene. This condition makes the requirement for additional on-site protection for property occupants necessary.

15.08.070 - Section 2308.6.3 and R602.10.4 amended—Braced wall panel methods (gypsum board and Portland cement plaster).

A. Section 2308.6.3 of the 2022 California Building Code, which allows the use of gypsum board and Portland cement plaster for wall bracing, is hereby amended to read in its entirety:

> 2308.6.3 Braced wall panel methods
> Construction of braced wall panels shall be by one or a combination of the methods in Table 2308.6.3(1). Braced wall panel length shall be in accordance with Section 2308.6.4 or 2308.6.5. The use of Gypsum Board (GB) or Portland Cement Plaster (PCP) type braced wall panels are not allowed.

B. Section R602.10.4 of the 2022 California Residential Code, which allows the use of gypsum board and Portland cement plaster for wall bracing, is hereby amended to read in its entirety:

> R602.10.4 Construction methods for braced wall panels.
> Intermittent and continuously sheathed braced wall panels shall be constructed in accordance with this section and the methods listed in Table R602.10.4. The use of Gypsum Board (GB) or Portland Cement Plaster (PCP) type braced wall panels are not allowed.

C. Findings. The city is in a Category D seismic activity classification. Gypsum wallboard and exterior Portland cement plaster have performed poorly during California seismic events. Shear values for gypsum wallboard and Portland cement plaster contained in the code are based on monodirectional testing. It is appropriate to eliminate the use of these materials until cyclic loading tests are performed and evaluated.

15.08.080 - Section 1907.1 and R506.1 amended—Minimum slab provisions.

A. Section 1907.1 of the 2022 California Building Code is hereby amended to read in its entirety:

> 1907.1 General. The thickness of concrete floor slabs supported directly on the ground shall be not less than 3-1/2 inches (89 mm). The slab shall be reinforced with not less than six inches by six inches ten-gauge wire mesh or an approved alternate. A 6-mil (0.006 inch; 0.15 mm) polyethylene vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the base course or subgrade and the concrete floor slab, or

other approved equivalent methods or materials shall be used to retard vapor transmission through the floor slab.

Exception: A vapor retarder is not required:

1. For detached structures accessory to occupancies in Group R-3, such as garages, utility buildings or other unheated facilities.
2. For unheated storage rooms having an area of less than 70 square feet (6.5 m2) and carports attached to occupancies in Group R-3.
3. For buildings of other occupancies where migration of moisture through the slab from below will not be detrimental to the intended occupancy of the building.
4. For driveways, walks, patios and other flatwork that will not be enclosed at a later date.
5. Where approved based on local site conditions.

B. Section R506.1 of the 2022 California Residential Code is hereby amended to read in its entirety:

R506.1 General. Concrete slab-on-ground floors shall be designed and constructed in accordance with the provisions of this section or ACI 332. Floors shall be a minimum 3-1/2 inches (89 mm) thick (for expansive soils, see Section R403.1.8). The slab shall be reinforced with not less than six inches by six inches ten-gauge wire mesh or an approved alternate. The specified compressive strength of concrete shall be as set forth in Section R402.2.

C. Findings. To avoid damage due to soil expansion, shrinkage and seismic activity which causes damage to concrete slab flooring throughout the city, imposing the above requirements eliminates the need for a soils report for some small projects.

15.08.90 - Violation.

A. A violation of the code adopted by this chapter occurs when a person:

1. Fails to comply with this code;
2. Violates or fails to comply with any order made under this code;
3. Builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken; or
4. Fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter.

B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

C. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 2. Chapter 15.12 (Electrical Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read:

"Chapter 15.12 - ELECTRICAL CODE

Sections:

15.12.010 Short title.
15.12.020 Adoption of the 2022 California Electrical Code.
15.12.030 Scope, organization, enforcement, fees, and inspections.
15.12.040 Violation.

15.12.010 - Short title.

This chapter shall be known as the "electrical code" and may be cited as such.

15.12.020 - Adoption of the 2022 California Electrical Code.

There is adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Part 3, further described and referred to as the 2022 California Electrical Code published by the California Building Standards Commission and based on the National Electric Code, 2020 Edition, prepared by the National Fire Protection Association. Adoption of said code shall include those sections and annexes requiring enforcement by the Morgan Hill Building Department and, as further amended by the City of Morgan Hill, provisions intended to address local climatic, geologic, and/or topographic conditions, as permitted by state law. Such code shall be and become the Morgan Hill Electrical Code, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of electrical systems, equipment, and appliances. The provisions of said Code shall provide for the issuance of permits and collection of fees thereof and penalties for violation of such code.

At least one copy of the city electrical code has been deposited in the office of the city building official and is available for public inspection.

15.12.030 - Scope, organization, enforcement, fees, and inspections.

The scope, organization, enforcement, fees, and inspections of the 2022 California Electrical Code must comply with those set forth in the 2022 California Building Code and 2022 California Electrical Code.

15.12.040 - Violation.

A. A violation of the code adopted by this chapter occurs when a person:

1. Fails to comply with this code;
2. Violates or fails to comply with any order made under this code;
3. Builds in violation of any detailed statement of specifications or plan submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken; or
4. Fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter.

B. Such person shall be liable severally and for each and every violation and noncompliance respectively.

C. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

D. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 3. Chapter 15.14 (Mechanical Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read:

"Chapter 15.16 - MECHANICAL CODE

Sections:

15.16.010 Short title.
15.16.020 Adoption of the 2022 California Mechanical Code.
15.16.030 Scope, organization, enforcement, fees, and inspections.
15.16.040 Violation—Penalty.

15.16.010 - Short title.

This chapter shall be known as the "mechanical code" and may be cited as such.

15.16.020 - Adoption of the 2022 California Mechanical Code.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Part 4, further described and referred to as the 2022 California Mechanical Code published by the California Building Standards Commission and based on the Uniform Mechanical Code; 2021 Edition, prepared by the International Association of Plumbing and Mechanical Officials. The adoption of said Code shall include those sections requiring enforcement by the Morgan Hill Building Department. Such code shall be and become the Morgan Hill Mechanical Code, regulating heating, ventilating, comfort cooling, refrigeration systems, and other miscellaneous heating appliances, prescribing conditions under which such work may be performed within the city, and providing for the issuance of permits and the collection of fees therefore and penalties for violation of such code.

At least one copy of the city mechanical code has been deposited in office of the city building official and is available for public inspection.

15.16.030 - Scope, organization, enforcement, fees, and inspections.

The scope, organization, enforcement, fees, and inspections of the California Mechanical Code must comply with those set forth in the 2022 California Building Code and the 2022 California Mechanical Code.

15.16.040 - Violation.

A. A violation of the code adopted by this chapter occurs when a person:

1. Fails to comply with this code;

2. Violates or fails to comply with any order made under this code;

3. Builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken; or

4. Fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter.

B. Such person shall be liable severally and for each and every such violation and noncompliance respectively.

C. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

D. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 4. Chapter 15.20 (Plumbing Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read:

"Chapter 15.20 - PLUMBING CODE

Sections:

15.20.010 Short title.
15.20.020 Adoption of the 2022 California Plumbing Code.
15.20.030 Scope, organization, fees, and inspections.
15.20.040 Amendments and deletions.
15.20.050 Section 604.3 amended--Copper tube.
15.20.060 Sections 609.3 amended-- Under concrete slab.
15.20.070 Violation-Penalty.

15.20.010 - Short title.

This chapter shall be known as the "plumbing code" and may be cited as such.

15.20.020 - Adoption of the 2022 California Plumbing Code.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Part 5, further described and referred to as the 2022 California Plumbing Code published by the California Building Standards Commission and based on the Uniform Plumbing Code, 2021 Edition, prepared by the International Association of Plumbing and Mechanical Officials. The adoption of said code shall include those sections requiring enforcement by the local building department as mandated by the State and as further amended by the City of Morgan Hill with provisions intended to address local climatic, geologic, and topographic conditions, as permitted by state law. Such code shall be and become the Morgan Hill Plumbing Code, regulating plumbing and drainage systems, house sewers, private sewage disposal, drainage systems, and prescribing conditions under which such work may be carried on within the city and providing for the issuance of permits and the collection of fees therefore.

At least one copy of the city plumbing code has been deposited in the office of the city building official and is available for public inspection.

15.20.030 - Scope, organization, fees, and inspections.

The scope, organization, enforcement, fees, and inspections of the California Plumbing Code must comply with those set forth in the 2022 California Building Code and 2022 California Plumbing Code.

15.20.040 - Amendments and deletions.

The following provisions of the 2022 California Plumbing Code shall be amended or deleted:

A. The following sections of the California Plumbing Code are amended by this chapter: 604.3 and 609.3.

15.20.050 - Section 604.3 amended—Copper tube.

A. Section 604.3 of the 2022 California Plumbing Code is hereby amended to read in its entirety:

604.3 Copper or Copper Alloy Tube. Copper or copper alloy tube for potable water piping shall have a weight of not less than type "L."

Exceptions: None

B. Finding. Due to water hardness in the city, type "L" copper shall be required.

15.20.060 - Sections 609.3 amended—Under concrete slab.

A. Section 609.3 of the 2022 California Plumbing Code is hereby amended to read in its entirety:

609.3 Under Concrete Slab. Water piping shall not be installed directly in or under a concrete floor slab within a building without prior approval of the Building Official.

B. Findings.

1. Most of the surface soils in Morgan Hill are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are peculiarly corrosive in nature.
2. Much of the surface soil in Morgan Hill is characterized by peculiarly high expansivity (i.e., shrink-swell behavior) and low bearing strength. There are two types of expansive soils in the area:
   a. The organic silty clays which are the recent bay muds; and
   b. The plastic silty clays which weather from the shale found in the hills surrounding Santa Clara Valley.
3. The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the volume changes occurring within the soil.
4. Areas of the city have hard water, which may be corrosive to ferrous pipe.
5. The groundwater table is unusually high in many places.
6. Morgan Hill is a seismically active region.

15.20.070 - Violation.

A. A violation of the code adopted by this chapter occurs when a person:

1. Fails to comply with this code;
2. Violates or fails to comply with any order made under this code;
3. Builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken; or
4. Fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter.

B. Such person shall be liable severally and for each and every such violation and noncompliance respectively.

C. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

D. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 5. Chapter 15.25 (Property Maintenance) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read:

"Chapter 15.25 - PROPERTY MAINTENANCE

Sections:

15.25.010 Short title.
15.25.020 Adoption of the International Property Maintenance Code.
15.25.030 Scope, organization, enforcement, fees and inspections.
15.25.040 Amendments and deletions.
15.25.050 Section 101.1 amended – Title.
15.25.060 Section 102.3 amended – Application of other codes.
15.25.070 Section 302.4 amended – Weeds.
15.25.80 Section 303.2 amended – Enclosures.
15.25.90 Section 304.14 amended – Insect screens.
15.25.100 Section 602.3 amended – Heat supply.
15.25.110 Section 602.4 amended – Occupiable workspaces.
15.25.120 Violation.

15.25.010 - Short title.

This chapter shall be known as the "Property Maintenance Code" and may be cited as such.

15.25.020 - Adoption of the International Property Maintenance Code.

Pursuant to Sections 50022.1 through 50022.4, inclusive, of the Government Code of the state of California, the text of that certain publication copyrighted and published by the ICC entitled "2021 International Property Maintenance Code" is adopted as the rules, regulations, and standards

within this city as to all matters therein contained except as otherwise provided in this chapter. Adoption of said code shall include adoption of Appendix A. One copy of the International Property Maintenance Code will at all times be kept on file in the office of the city building official and is available for public inspection.

15.25.030 - Scope, organization, enforcement, fees and inspections.

The scope, organization, enforcement, fees and inspections of the 2021 International Property Maintenance Code must comply with those set forth in the 2022 California Building Code and the 2021 Property Maintenance Code.

15.25.040 – Amendments and deletions.

The following sections of the 2021 International Property Maintenance Code shall be amended or deleted: 101.1, 102.3, , 302.4, 303.2, 304.14 602.3, and 602.4.

15.25.050 – Section 101.1 amended – Title.

A. Section 101.1 of the International Property Maintenance Code is hereby amended to read in its entirety:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Morgan Hill, hereinafter referred to as "this code."

15.25.060 – Section 102.3 amended – Application of other codes.

A. Section 102.3 of the International Property Maintenance Code is hereby amended to read in its entirety:

> 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Code, California Existing Building Code, California Energy Code, California Fire Code, California Plumbing Code, California Mechanical Code, California Residential Code, and California Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Code. All references to an International Code within this code shall be replaced with the appropriate California Code.

15.25.070 – Section 302.4 amended – Weeds.

A. Section 302.4 of the International Property Maintenance Code is hereby amended to read in its entirety:

> 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

15.25.080 – Section 303.2 amended – Enclosures.

A. Section 303.2 of the International Property Maintenance Code is hereby amended to read in its entirety:

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 18 inches (457 mm) in depth shall be completely surrounded by a fence or barrier not less than 60 inches (1372 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 60 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

15.25.090 – Section 304.14 amended – Insect screens.

A. Section 304.14 of the International Property Maintenance Code is hereby amended to read in its entirety:

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

15.25.100- Section 602.3 amended – Heat supply.

A. Section 602.3 of the International Property Maintenance Code is hereby amended to read in its entirety:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

15.25.110 – Section 602.4 amended – Occupiable workspaces.

A. Section 602.4 of the International Property Maintenance Code is hereby amended to read in its entirety:

602.4 Occupiable workspaces. Indoor occupiable workspaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions: 1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

15.25.0120 - Violation.

A. A violation of the code adopted by this chapter occurs when a person:

1. Fails to comply with this code;
2. Violates or fails to comply with any order made under this code;
3. Builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken; or
4. Fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter.

B. Such person may be liable severally and for each and every such violation and noncompliance respectively.

C. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

D. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 6. Chapter 15.44 (Fire Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read:

"Chapter 15.44 FIRE CODE

Sections:

15.44.010 Adoption of the 2022 California Fire and 2021 International Fire Codes.
15.44.015 Adoption of appendix chapters
15.44.020 Short title; International Fire Code and California Fire Code Defined.
15.44.030 Establishment and duties of the bureau of fire prevention.
15.44.040 Modification of provisions by chief.
15.44.050 Establishment of limits of districts.
15.44.060 Additions, amendments, and deletions.
15.44.070 Scope and general requirements.
15.44.080 Chapter 2 - Definitions.
15.44.090 Chapter 5 – Fire Service Features.
15.44.100 Chapter 6 – Electrical Equipment, Wiring and Hazards.
15.44.110 Chapter 9 – Fire Protection Systems.
15.44.120 Chapter 33 - Fire Safety During Construction and Demolition.
15.44.130 Chapter 49 – Requirements for Wildland-Urban Interface Fire Areas.
15.44.140 Chapter 50 - Hazardous Materials - General Provisions.
15.44.150 Chapter 56 – Explosives and Fireworks.
15.44.160 Chapter 57 – Flammable and Combustible Liquids.
15.44.170 Chapter 58 – Flammable Gases and Flammable Cryogenic Fluids.
15.44.180 Chapter 64 – Pyrophoric Materials.

15.44.190 Appendix C.
15.44.200 Violation.

15.44.010 - Adoption of the 2022 California Fire Code.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Part 9, further described and referred to as the 2022 California Fire Code published by the California Building Standards Commission and based on the International Fire Code;, 2021 Edition, prepared by the International Code Council, including Appendix Chapters B and C, save and except such portions as are hereinafter deleted, modified, or amended by this chapter. Such code shall be and become the Morgan Hill Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Morgan Hill.

One (1) copy of the code shall be kept on file at all times in the office of the city building official and the administrative offices of the Morgan Hill Fire Department for use and examination by the public.

15.44.015 - Adoption of appendix chapters.

The following Appendix Chapters from the 2022 California Fire Code are hereby adopted:

Appendix B: Fire Flow Requirements for Buildings.

Appendix C: Fire Hydrant Locations and Distribution.

15.44.020 - Short Title; International Fire Code and California Fire Code Defined.

This chapter shall be known as the "Fire Code" and may be cited as such. Whenever the phrase "International Fire Code" appears in this code or any ordinance of the city, such phrase shall be deemed and construed to refer to and apply to the International Fire Code, 2021 Edition, as adopted and amended by this chapter. Whenever the phrase "California Fire Code" appears in this code or any ordinance of the city, such phrase shall be deemed and construed to refer to and apply to the 2022 California Fire Code, as adopted and amended by this chapter. Sections amended or modified in this chapter shall refer to the sections of the California Fire Code unless otherwise specified.

15.44.030 - Establishment and duties of bureau of fire prevention.

The California Fire Code and International Fire Code shall be enforced by the bureau of fire prevention in the Morgan Hill Fire Department, which shall be operated under the supervision of the chief of the fire department.

15.44.040 - Modification of provisions by chief.

A. The Chief of the Morgan Hill Fire Department shall have power to modify any of the provisions of the fire code upon application in writing by the owner or lessee, or their duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured, and substantial justice done.

B. The particulars of such modification, when granted or allowed, and the decision of the chief shall be entered in the records of the fire department and a signed copy shall be furnished to the applicant for modification.

15.44.050 - Establishment of limits of districts.

A. Storage of stationary tanks of flammable cryogenic fluids are to be prohibited. The limits referred to in Section 5806.2 of the 2022 California Fire Code, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as to all locations of the City of Morgan Hill which are residential and congested commercial areas as determined by the fire code official.

B. Storage of Class I and II liquids in outside aboveground tanks is prohibited. The limits referred to in Section 5704.2.9.6.1 of the 2022 California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited, are hereby established as to all locations of the City of Morgan Hill that are residential or congested commercial areas as determined by the fire code official.

C. Storage of Class I and II liquids in aboveground tanks is prohibited. The limits referred to in Section 5706.2.4.4 of the 2022 California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited, are hereby established as to all locations of the City of Morgan Hill that are residential or other locations as determined by the fire code official.

D. Storage of liquefied petroleum gases ("LPG") is prohibited. The limits referred to in Section 6104.2 of the 2022 California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as to all locations of the City of Morgan Hill that are residential or congested commercial areas as determined by the fire code official.

Exceptions: LPG may be used for industrial operations or when natural gas is not available or would not provide a viable substitute for LPG. Portable containers for temporary heating and/or cooking uses may be permitted if stored and handled in accordance with this code. Facilities in commercial areas for refueling portable or mobile LPG containers may be approved by the fire code official on a case by case basis.

15.44.060 - Additions, amendments, and deletions.

A. In accordance with California Health and Safety Code Section 17958.7, certain modifications to the California Fire Code as set forth in this Chapter are reasonably necessary because of local climatic, geologic, or topographical conditions.

B. Climatic Conditions

Santa Clara County and the City of Morgan Hill are located in a semi-arid Mediterranean type climate which predisposes all fuels to rapid ignition and spread of fire. Hot, dry winds, and low humidities, are common to all areas within the City of Morgan Hill and Santa Clara County in general. Winter rains promote the growth of grass and brush. This vegetation presents heavy dry fuel loads in the summer months. These conditions are conducive to the ready ignition, propagation and spread of grass, brush and structure fires. These conditions, which can cause small brush fires which spread quickly, are a contributing factor to the high fire danger in the area, and create the need for an increased level of fire protection. This added protection will supplement normal fire department response available and provide immediate protection for life and safety of multiple occupancy occupants during fire occurrences.

C. Topographic Conditions

The topography of Morgan Hill has hillside homes on each side of the city with long response

times for safety equipment. The city foothills cause many problems for firefighters, including long response times, inadequate water supply and unlimited fuel. Fog, heavy rains, mud slides and earthquakes are other common occurrences which negatively affect the ability of the city's public safety resources to respond to emergency situations. The City is in a Category D seismic activity classification. Many traffic corridors such as Highway 101 and Monterey Road, Southern Pacific Railroad, related bridges, underpasses and crossings are subject to obstruction in the event of an earthquake, traffic accident, hazardous material spill or other disaster.

D. Geographic Conditions

1. Santa Clara County and the City of Morgan Hill are located within the seismically active San Francisco Bay region. The significant earthquakes in the region are generally associated with the crustal movements along well-defined, active fault zones. The nearest known active faults are the San Andreas Fault, approximately 12 miles southwest of Morgan Hill, and the Calaveras Fault, approximately 1 mile northeast. Both faults have produced major earthquakes in the past, and have estimated maximum credible Richter magnitudes of 8.3 and 7.3, respectively. The Sargent-Berrocal Fault, a potentially active fault, lies approximately 10 miles away and has an estimated maximum credible Richter magnitude of 7.3. The Coyote Creek Fault is located in Morgan Hill and is classified as potentially active as well. In addition, several unnamed faults traverse the western slopes of the upland areas.

2. Regional planning for reocccurence is recommended by the State of California, Department of Conservation. The October 17, 1989, Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses, the department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas lines and electric lines as a result of an earthquake.

3. Traffic and circulation congestion presently existing in the City of Morgan Hill often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake where damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.

4. The City of Morgan Hill is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles greatly impact the response time to reach an incident scene.

5. The City of Morgan Hill is located in the middle of a seismically active area. The viability of the public water system would be questionable at best after a major seismic event. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks, there exists a need to provide increased protection for anyone on upper floors.

6. The City of Morgan Hill is located approximately sixteen miles from the ocean. The City's typical ground water level is between ten and twenty feet. This condition makes the City more prone to subsidence issues than most inland communities.

15.44.070– Scope and general requirements.

A. Section 101.1 of the 2022 California Fire Code is hereby amended to read in its entirety:

[A] 101.1 Title. These regulations shall be known as the *Fire Code* of Morgan Hill, hereinafter referred to as "this code."

15.44.80- Chapter 2—Definitions.

A. The following definitions in Section 202 of the 2022 California Fire Code is hereby added to read:

CORROSIVE LIQUID. Corrosive liquid is

1) any liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action; or
2) any liquid having a pH of 2 or less or 12.5 or more; or
3) any liquid classified as corrosive by the U.S. Department of Transportation; or
4) any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

MODERATELY TOXIC GAS. A chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

HEALTH HAZARD-OTHER. A hazardous material which affects target organs of the body, including but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage), sensitizers or teratogens (effect on fetuses).

SECONDARY CONTAINMENT. Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

SPILL CONTROL. That level of containment that is external to and separate from the primary containment and is capable of safely and securely containing the contents of the largest container and prevents the materials from spreading to other parts of the room.

WORKSTATION. A defined space or an independent principal piece of equipment using flammable or unstable (Class 3 or 4 as ranked by NFPA 704) hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, detection devices, electrical devices and other processing and scientific equipment.

15.44.90 - Chapter 5—Fire Service Features.

A. Section 503.1 of the 2022 California Fire Code is hereby amended to read in its entirety:

503.1 Where required. Fire apparatus access roads shall be provided and maintained inaccordance with Sections 503.1.1 through 503.1.3 and in accordance with the Fire Department Access Road Standards.

B. Section 503.2.1 of the 2022 California Fire Code is hereby amended to read in its entirety:

503.2.1 Dimensions**.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) for engines, and 26 feet (7925 mm) for aerial fire apparatus exclusive of shoulders, except for approved gates or barricades in accordance with Sections 503.5.1 and 503.6. The unobstructed vertical clearance shall be a minimum of 13 feet 6 inches (4115 mm), or as determined by the fire code official.

C. Section 503.2.4 of the 2022 California Fire Code is hereby amended to read in its entirety:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be a minimum of 30 feet (9144 mm) inside, and a minimum of 50 feet (15240 mm) outside.

D. Section 503.2.7 of the 2022 California Fire Code is hereby amended to read in its entirety:

503.2.7 Grade. The maximum grade of a fire apparatus access road shall not exceed 15-percent, unless approved by the fire code official

E. Section 503.5 of the 2022 California Fire Code is hereby amended to read in its entirety:

503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails, or other accessways, not including the public streets, alleys, or highways. The minimum width shall be 12 feet (4268 mm) for single-family dwellings and 20 feet (6096 mm) for all others. Electric gate operators, where provided shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200

F. Section 503.6 of the 2022 California Fire Code is hereby amended to read in its entirety:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. The minimum width shall be 12 feet (4268 mm) for single-family dwellings and 20 feet (6096 mm) for all others.

G. Section 504.5 is hereby added to read:
504.5 Access control devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to within and throughout the building, are installed, such devices shall be approved by the fire code official. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire code official. Access control devices must also comply with Chapter 10.

15.44.100 - Chapter 6—Building Services and Systems.

A. Section 605.5of the 2022 California Fire Code is hereby amended to read in its entirety:

605.5 Portable unvented heaters. Portable unvented fuel-fired heating equipment shall be prohibited in occupancies in Groups A, B, E, I, R-1, R-2, R2.1, R2.2, R-3, R3.1 and R-4 and ambulatory care facilities.

Exceptions:
1. Portable unvented fuel-fired heaters listed in accordance with UL 647 are permitted to be used in one and two-family dwellings, where operated and maintained in accordance with the manufacturer's instructions.
2. Portable outdoor gas-fired heating appliances in accordance with Section 605.5.2.

B. Section 605.5.2.1.1 of the 2022 California Fire Code is hereby amended to read in its entirety:

605.5.2.1.1 Prohibited locations. The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:

1. Inside of any occupancy where connected to the fuel gas container.
2. Inside of tents, canopies and membrane structures.
3. On exterior balconies and rooftops.

C. Section 603.11 of the 2022 California Fire Code is hereby added to read:

603.11 Immersion heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

15.44.110 - Chapter 9—Fire Protection Systems.

A. Section 903.2 of the 2022 California Fire Code is hereby amended to read in its entirety:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 and Sections 903.2.14 through 903.2.21 , whichever is the more restrictive. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, greater than 1,200 square feet of building area.

   Exceptions:

   a. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the followings:

      i. Noncombustible construction;

      ii. Maximum building areas not to exceed 5,000 square feet;

      iii. Structure is open on three (3) or more sides; and

      iv. Minimum of 10 feet separation from property line and existing buildings, or similar structures, unless area is separated by fire walls.

2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area.

   Exception: Accessory Dwelling Unit, provided that all of the following are met:

   i. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
   ii. The existing primary residence does not have automatic fire sprinklers.
   iii. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
   iv. The unit is on the same lot as the primary residence.
   v. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code

3. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, I L, M, R, S and U buildings and structures, when additions are made that increase the building area by more than 1,200 square feet or where the resulting area exceeds 3,600 square feet.

4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.

5. Any change in the character of occupancy or in use of any building which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety [1] or increased fire risk [2] , shall require the installation of an approved fire automatic fire sprinkler system.

[1] Life Safety—Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/daycare facilities, large residential care facilities with non ambulatory.

[2] Fire Risks—High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with use of flammable liquids and open flames).

C. Section 909.22.1 of the 2022 California Fire Code is hereby amended to read in its entirety:

909.22.1 Schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and both shall occur at least annually.

15.44.120 - Chapter 33—Fire Safety During Construction and Demolition.

A. Section 3311.1.1 is hereby added to read:

3311.1.1 Fire Department Access Roadways: All construction sites shall be accessible by fire department apparatus by means of roadways having an all-weather driving service of not less than 20ft. of unobstructed width. The roads shall have the ability to withstand the live loads of a 75,000 pound fire apparatus, and have a minimum 13ft. 6 in. of vertical clearance. Dead end fire access roads in excess of 150 ft. in length shall be provided with approved turnarounds.

When approved by the Fire Code Official, temporary access roadways may be utilized until such time that the permanent roadways are installed. As a minimum, the roadway shall consist of a compacted sub base and eight (8”) inches of road base material (Class 2 aggregate base rock) both compacted to a minimum 95%. The perimeter edges of the roadway shall be contained and delineated by curb and gutter or other approved method. The use of geotextile reinforcing fabric underlayment or soils lime-treatment may be required if so determined by the project civil engineer. Provisions for surface drainage shall also be provided where necessary. The integrity of the roadway shall be maintained at all times.

15.44.130 - Chapter 49—Requirements for Wildland-Urban Interface Fire Areas.

A. Section 4901.3 and 4901.4 are hereby added to read:

4901.3 Where applicable. These requirements shall apply to all areas within the City of Morgan Hill as set forth and delineated on the map entitled "Wildland-Urban Interface Fire

Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this Chapter. The map properly attested, shall be on file in the Office of the City Clerk.

4901.4 Exemptions. These requirements shall not apply to any land or water area acquired or managed for one or more of the following purposes or uses:
(1) Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government.
(2) Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.
(3) Open space lands that are environmentally sensitive parklands.
(4) Other lands having scenic values, as declared by the local agency, or by state or federal law.

B. Section 4906.1.1, 4906.1.2, 4906.1.3 and 4906.1.4 are hereby added to read:

4906.1.1 Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings, to reduce the risk of fire spreading to buildings, and provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, as required by applicable laws and standards.

4906.1.2 Maintenance required. Maintenance is required to ensure conformance with these standards and measures, and to assure continued availability, access, and utilization, of the defensible space during a wildfire.

4906.1.3 Additional measures. No person subject to these regulations shall permit any fire hazard, as defined in this chapter, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

4906.1.4 Exemption**.** For the purposes of this chapter, vegetation removal or management, undertaken in whole or in part, for fire prevention or suppression purposes shall not be deemed to alter the natural condition of public property.

C. Section 4907.3 of the 2022 California Fire Code is amended to read in its entirety:

4907.3 Requirements. Hazardous vegetation and fuels around all buildings, roads, driveways, and structures shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Sections 4291 through 4296.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.
3. California Government Code, Sections 51175 - 51189.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
5. Any local ordinance of the City of Morgan Hill

15.44.140 - Chapter 50—Hazardous Materials—General Provisions.

A. Section 5001.2.2.2 of the 2022 California Fire Code is hereby amended to read in its entirety:

5001.2.2.2 Health hazards. The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic and toxic materials.
2. Corrosive materials.
3. Moderately toxic gas.
4. Health hazards-Other.

B. Section 5003.1.3.1 is hereby added to read:

5003.1.3.1 Toxic, highly Toxic, moderately toxic gases and similarly used or handled materials. The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 6004.2.1.4 shall be in accordance with this Chapter and Chapter 60. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

C. Section 5003.1.5 is hereby added to read:

5003.1.5 Health hazards-Other. The storage, use and handling of materials classified as other health hazards including carcinogens, irritants and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids and 5,000 pounds for solids shall be in accordance with this Section 5003.

E. Section 5003.1.6 is hereby added to read:

5003.1.6 Additional Spill Control and Secondary Containment Requirements. In addition to the requirements set forth in Section 5004.2. An approved containment system is required for any quantity of hazardous materials that are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. The approved containment system may be required to include a combination of spill control and secondary containment meeting the design and construction requirements set forth in Section 5004.2.

D. Section 5003.2.2.1 of the 2022 California Fire Code is hereby amended to read in its entirety:

5003.2.2.1 Design and construction. Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings, and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.

3. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:
   3.1 The point of use.
   3.2 The tank, cylinder or bulk use.

4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall be clearly visible accessible and indicated by means of a sign.

5. Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.

6. Where gases or liquids having a hazard ranking of Health hazard Class 3 or 4, Flammability Class 4, or Reactivity Class 4 in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig)(103 Kpa), an approved means of leak detection, emergency shutoff and excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

   Exceptions:
   1. Piping for inlet connections designed to prevent backflow.
   2. Piping for pressure relief devices.

7. Secondary containment or equivalent protection from spills shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Tables 6004.2.1.4. Secondary containment includes but is not limited to double walled piping.

   Exceptions:
   1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
   2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.

8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

E. Section 5003.2.2.2 of the 2022 California Fire Code is hereby amended to read in its entirety:

5003.2.2.2 Additional regulation for supply piping for health hazard materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 shall be in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of toxic, highly toxic, or highly volatile corrosive liquids and gases shall have welded, or brazed connections throughout except

for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.

2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.

3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of 1x10-9 cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

F. Section 5003.5.2 is hereby added to read:

5003.5.2 Ventilation ducting. Ducts venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

G. Section 5003.5.3is hereby added to read:

5003.5.3 "H" occupancies. In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

H. Section 5003.4.10.4.3 of the 2022 California Fire Code is hereby amended to read in its entirety:

5003.10.4.3 Highly toxic, toxic, and moderately toxic, gases shall be limited to a container of a maximum water capacity of 1 lb.

I. Section 5004.2.1 of the 2022 California Fire Code is hereby amended to read in its entirety:

5004.2.1 Spill control for hazardous material liquids. Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor and outdoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems, including containment pallets in accordance with Section 5004.2.3.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter

openings having an open-grate trench across the opening that connects to an approved collection system.

J. Section 5004.2.2.2 of the 2022 California Fire Code is hereby amended to read in its entirety:

5004.2.2.2 Incompatible materials. Incompatible materials shall be separated from each other in independent secondary containment systems.

15.44.150 – Chapter 56 — Explosives and Fireworks.

A. Section 5601.1.3 of the 2022 California Fire Code is hereby amended to read in its entirety:

5601.1. 3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exception**:** The use of fireworks for fireworks displays as allowed in Section 5608.

15.44.160 - Chapter 57—Flammable and Combustible Liquids.

A. Section 5704.2.7.5.8 of the 2022 California Fire Code is hereby amended to read in its entirety:

5704.2.7.5.8 Overfill prevention. An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.

Exception: Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less need only comply with Section 5704.2.9.7.5.1 (Item1, Sub-item 1.1)

An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

B. Section 5704.2.7.5.9 is hereby added to read:

5704.2.7.5.9 Automatic filling of tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official, that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

15.44.170 – Chapter 58 — Flammable gases and flammable cryogenic fluids.

A. Section 5809.3.4 of the 2022 California Fire Code is hereby amended to read in its entirety:

5809.3.4 Site plan. For other than emergency roadside service, a site plan shall be developed for each location at which mobile gaseous hydrogen fueling occurs. The site plan shall be in sufficient detail to indicate: all buildings, structures, lot lines, property

lines and appurtenances on site and their use and function, and the scale of the site plan.

15.44.180 - Chapter 64—Pyrophoric Materials.

A. Section 6405.3.1 is hereby added to read:

6405.3.1 Silane distribution systems automatic shutdown. Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system.

15.44.190 – Appendix C- Fire Hydrant Locations and Distribution

A. Section C102.1 of the 2022 California Fire Code is hereby amended to read in its entirety:

C102.1 Minimum number of fire hydrants for a building. The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1, utilizing the base fire flow without fire sprinkler reduction.

B. Section C103.1 of the 2022 California Fire Code is hereby amended to read in its entirety:

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the California Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3, but in no case shall the average spacing be more than 300 feet on center.

15.44.200 - Violation.

A. A violation of the code adopted by this chapter occurs when a person:

1. Fails to comply with this code;
2. Violates or fails to comply with any order made under this code;
3. Builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken; or
4. Fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter.

B. Such person may be liable severally and for each and every such violation and noncompliance respectively.

C. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

D. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 7. Section 15.65.070 of Chapter 15.65 (Sustainable Building Regulations) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read:

15.65.070 - Appeal.

A. Any aggrieved applicant or person may appeal the determination of the sustainable building compliance official regarding: (1) the granting or denial of an exemption pursuant to the hardship and infeasibility section of this chapter, (2) the granting or denial of a good faith effort to comply pursuant to this chapter, or (3) the granting or denial of exceptions pursuant to this chapter to the community development director.

   Any appeal must be filed in writing with the community development department not later than fourteen days after the date of the determination by the sustainable building compliance official. The appeal shall state the alleged error or reason for the appeal.

   The appeal shall be processed and considered by the community development director.

   The applicant may not appeal any provision required by the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code.

SECTION 8. Sections 15.66.030, 15.64.040, 15.66.050 and 15.66.070 of Chapter 15.66 (Swimming Pools) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code are hereby amended to read:

15.66.030 - New construction to conform with chapter provisions—Submittal of plans.
On and after the effective date of the ordinance codified in this chapter, no person who owns or is in possession of any premises, whether as legal or equitable owner, purchaser under contract, tenant or licensee, shall construct, install or place, or permit to be constructed, installed or placed, on or within such premises, any outdoor swimming or wading pool unless the same is enclosed or protected in the manner provided in this chapter. After such date, no building permit shall be issued for any such swimming or wading pool unless the plans for the same have been submitted and approved by the building department of the city and comply with both the California Building Code and the provisions of this chapter.

15.66.040 - Enclosure protection required—Specifications.

A. Each outdoor swimming or wading pool constructed, installed, or placed within any premises on or after the effective date of the ordinance codified in this chapter shall be completely enclosed by a fence, wall, or other structure. Such fence, wall, or structure shall be not less than five feet in height at all points and shall be located a minimum of four feet from the nearest edge of the pool. The surrounding fence, wall, or other structure may consist of a house, building, or other permanent construction. The vertical clearance from the ground to the bottom of the enclosure shall be less than 2”. Gaps or voids in all required enclosures shall not allow a sphere of four inches in diameter to pass through. The enclosure shall be free of protrusions, cavities or other physical characteristics that would

serve as handholds or foothold that would allow a small child to climb over the enclosure from the outside of the enclosure.

B. Any access gate through the enclosure shall open away from the pool, be self-closing and be equipped with a self-latching device not lower than 60" above the ground. Any door that opens directly into the enclosure from a structure shall be self-closing and be equipped with a self-latching mechanism at least 54" above the threshold or be equipped with an approved door alarm. The alarm shall sound within seven seconds after the door and its screen, if present, are opened. The alarm shall sound continuously at 85 dB at 10' for a minimum of 30 seconds and shall automatically reset under all conditions. A 15 second temporary bypass switch shall be located at least 54" above the threshold.

15.66.050 - Enclosure protection required—Maintenance.
Any person who is required by the terms of this chapter to provide an adequate enclosure for a swimming or wading pool shall maintain the enclosure and all elements that create the enclosure. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

15.66.070 - Existing installations—Determination and conformance to chapter provisions.

A. From and after the effective date of the ordinance codified in this chapter, the city building inspector or his or her authorized representative shall determine whether any existing swimming or wading pool which was constructed, installed, or placed within any premises in the city prior to the effective date of the ordinance codified in this chapter constitutes a health or safety hazard by virtue of such pool not being completely enclosed by a fence, wall, or other structure as provided in Section 15.66.040 of this chapter.

B. Should the building inspector determine that a hazard exists as defined in this chapter, he or she may order the person legally responsible for the premises to comply with the provisions of this chapter in order to alleviate the unsafe or unhealthful condition. The building inspector shall in his or her order specify a reasonable time not to exceed thirty days for compliance with the order. It is unlawful to fail to comply with such order.

Section 9. **References to Prior Code**. Unless superseded and expressly repealed, references in City forms, documents and regulations to the chapters and sections of the former Morgan Hill Building Code 2019, shall be construed to apply to the corresponding provisions contained within the Morgan Hill Building Code 2022. Ordinance No. 2307 of the City of Morgan Hill and all other ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

Section 10. **CEQA.** The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no potential for causing a significant effect on the environment.

Section 11. **Severability.** Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 12. **Effective Date; Publication**. This Ordinance shall take effect on January 1, 2023. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 19TH DAY OF OCTOBER 2022, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 2ND DAY OF NOVEMBER 2022, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

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

APPROVED: **ATTEST:**

_____ _____
RICH CONSTANTINE, Mayor **MICHELLE BIGELOW, City Clerk**

CERTIFICATE OF THE CITY CLERK

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 Ordinance No. 2337, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 2nd day of October 2022.

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

DATE: _____ _____
MICHELLE BIGELOW, City Clerk

CITY OF MORGAN HILL

CITY COUNCIL STAFF REPORT
MEETING DATE: November 2, 2022

PREPARED BY:
Yat Cho, Senior Project Manager
APPROVED BY: City Manager

APPROVE CONCEPTUAL DESIGN FOR THE BUTTERFIELD FIRE STATION PROJECT

RECOMMENDATION(S)

1. Approve Conceptual Design for the Butterfield Fire Station Project; and
2. Adopt resolution approving and making the required findings as outlined in the staff report.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities
Maintaining and Enhancing Infrastructure

2022-2023 Strategic Priorities
Fiscal Sustainability

Guiding Documents
Fire Services Standards of Coverage
Morgan Hill 2035 General Plan
Public Safety Master Plan

REPORT NARRATIVE:

The City of Morgan Hill's Public Safety Master Plan and Fire Standards of Coverage have recommended a third fire station to be designed and constructed. During the dissolution of the former Redevelopment Agency (RDA), a settlement agreement allowed the City to retain the property on Butterfield Boulevard for the proposed fire station (Attachment 1 - Vicinity Map). The settlement agreement requires a fire station to be constructed on the property by August 2024.

On December 1, 2021, the City Council authorized an agreement with Jeff Katz Architecture (now known as COAR Design Group) to begin the design of the Butterfield Fire Station Project. Following the execution of the agreement, COAR Design Group held a kick-off meeting to gain an understanding of the fire station needs from both a Cal Fire and City perspective.

The initial conceptual design yielded a fire station with the majority of the requested

amenities incorporated into the project. Unfortunately, at over $11 million, the project budget did not allow for the further development of this concept design. Subsequent meetings were held to discuss cost savings for building type, size, needs, amenities, additional project budget discussion and scheduling. The most current conceptual design presented to the City Council is estimated at $7.5 million. However, this budget estimate does not include the solar and microgrid components of the project. These components will be designed as an add-alternate and the City will be looking for additional grant funding to support this.

As a requirement of a public project, the City Council provides the Design Review for the Project. Attachment 2 provides existing plans for the design review purpose. City Planning staff have reviewed the proposed designs and are recommending the Council make the following findings from Section 18.108.040 of the Municipal Code:

1. 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.

2. The proposed project complies with all applicable provisions of the zoning code and municipal code.

3. The proposed project substantially complies with all applicable design standards and guidelines contained in the design review handbook.

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

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

6. The proposed project complies with all applicable design review criteria in Section 18.108.040 Subsection H.

Should the City Council approve the conceptual design and make the required design review findings, staff and COAR Design Group will continue with design development and construction document preparation with an anticipated completion and bid date of March 2023. Construction on the project would commence in the summer of 2023.

COMMUNITY ENGAGEMENT:

Inform

There have been discussions and engagement regarding the Public Safety Master Plan and Standards of Coverage. The City Council and City staff have discussed this project at Council workshops, budget workshops and other meetings. There has been no other specific public engagement for this project.

ALTERNATIVE ACTIONS:

The City Council may elect to reject the conceptual design for the Butterfield Fire

Station Project and provide staff with further direction for this project. City Council may also elect to not approve the conceptual plan and direct staff to return with a revised plan.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

February 22, 2017 - The City Council received and reviewed the Public Safety Master Plan.
December 4, 2019 - City Council received and reviewed the Hazard Risk Assessment and Standards of Coverage Study.
December 1, 2021 - The City Council authorized the City Manager to execute and administer an agreement with Jeff Katz Architecture for the design of the Butterfield Fire Station.

FISCAL AND RESOURCE IMPACT:

The project is funded in the current adopted budget (FY2022-23) and is budgeted under Project No. 231018. This project is funded through the Public Safety Facilities Impact Fund (315). The approved Capital Improvement Budget anticipates interfund borrowing to be utilized to fund the full construction of the facility. All borrowed funds would be repaid via future collection of the Public Safety Facilities Impact Fee.

CEQA (California Environmental Quality Act):

Categorical Exemption

The activities described in this staff report may qualify for a Class 32 exemption for Infill Development. Projects may qualify for a Class 32 exemption for Infill Development if they meet the following conditions:
(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
(c) The project site has no value as habitat for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
(e) The site can be adequately served by all required utilities and public services.

Environmental review of the project is in process and will be complete and presented to the Council prior to award of the construction contract.

Engineering and Utilities Department
CIP Engineering Division

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BUTTERFIELD FIRE STATION PROJECT

0 80 160 320 480 640 Feet

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DESIGN PERMIT FOR THE BUTTERFIELD FIRE STATION PROJECT LOCATED AT 17295 BUTTERFIELD BLVD IN THE PUBLIC FACILITY ZONING DISTRICT (APN 726-15-072)

WHEREAS, such request was considered by the City Council at its regular meeting of November 2, 2022, at which time the City Council approved Site Review application, SR-2022-21: Butterfield Fire Station Project; and

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

NOW, THEREFORE, THE MORGAN HILL CITY COUNC IL DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed project is consistent with the Public Facility zoning designation and the General Plan.

SECTION 2. Projects approved pursuant hereto are exempt from the California Environmental Quality Act (CEQA) under Section 15332 of Guidelines for CEQA and Section 21083 of the Public Resources Code because the proposed project is an infill development meeting the following conditions:

a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
c. The project site has no value as habitat for endangered, rare or threatened species.
d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
e. The site can be adequately served by all required utilities and public services.

SECTION 3. As a requirement of a public project, the City Council is required to provide the Design Review for the Project and make the following findings from Section 18.108.040 of the Municipal Code:

a. The proposed project is consistent with the general plan and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.
b. The proposed project complies with all applicable provisions of the zoning code and municipal code.
c. The proposed project substantially complies with all applicable design standards and guidelines contained in the design review handbook.

d. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
e. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
f. The proposed project complies with all applicable design review criteria in Section 18.108.040 Subsection H.

The City Council hereby finds the project to be in substantial conformance with the zoning and design guidelines and approves the Design Permit for the Butterfield Fire Station Project, as contained in that certain series of documents dated September 27, 2022, on file in the Development Service Department, entitled "Butterfield Fire Station Project" prepared by Coar Design Group.

SECTION 4. The approved project shall be subject to the conditions as identified in the set of standard conditions attached hereto, as exhibit "A", and by this reference incorporated herein.

PASSED AND ADOPTED THIS 2nd DAY OF NOVEMBER 2022, AT A REGULAR MEETING OF THE CITY COUNCIL BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST: **APPROVED:**

MICHELE BIGELOW, City Clerk

RICHARD CONSTANTINE, Mayor

CERTIFICATE OF THE CITY CLERK

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. , adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the ____ day of ___, 2022.

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

DATE: _____ _____

MICHELE BIGELOW, City Clerk

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: SR2022-0021
THE FOLLOWING APPROVAL REQUIREMENTS AND ANY SPECIAL CONDITIONS SHALL BE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS.

Legend

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

I. PROJECT DESCRIPTION

The project includes Design Permit approval for a 5,800 square foot fire station and associated improvements. The property, identified by Assessor Parcel Number 726-15-072, is located on the west side of Butterfield Blvd between the VTA parking lot and the South County Courthouse building.

II. PROJECT CONDITIONS OF APPROVAL

This SR2022-0021 approval is limited to the plan set on file with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the approved 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 City Conditions of Approval of the Project, which are hereby incorporated herein as set forth in full.

PLANNING DIVISION

DEFENSE AND INDEMNITY

A. As part of, and in connection, with this application to the City of Morgan Hill, Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this application or any related decision, or the adoption of any environmental documents which relates to said approval. The City shall promptly notify the Applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all

significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) all pre-tender litigation costs incurred on behalf of the City, including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are the Applicant or are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by Applicant to be bound by such conditions.

TIME LIMITS

A. **Term:** The Design Permit approval granted pursuant to this Resolution shall remain in effect for two years from approval date. 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 SR2022-0021 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.

BUILDING DESIGN

A. **Architectural elements**

1. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior.

2. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

B. **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)**

HABITAT PLAN

A. **Fees:** The approved project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan.

B. **Application Package**: Prior to issuance of a grading permit, the project shall complete and submit a Habitat Plan Application Package. All fees shall be paid prior to issuance of a grading permit. **(MHMC 18.132)**

C. **Conditions:** Any additional conditions or mitigations required by the Habitat Plan shall be clearly stated on all plans that involve any ground disturbing activity (i.e. grading plans, improvement plans, paving plans, demolition plans or other plans for site clearing or temporary stockpile of dirt). **(MHMC 18.132)**

AIR QUALITY

A. **Dust, Noise, Vibration and Materials Management Plan:** A management plan detailing strategies for control of noise, dust and vibration, and storage of hazardous materials during construction of the project shall be submitted for review prior issuance of a grading permit and requirements shall be included on all site development and grading plans. The intent of this condition is to minimize construction related disturbance of residents of the nearby or adjacent properties. **(MHMC 18.76)**

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

5. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

6. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.

8. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

9. Minimizing the idling time of diesel-powered construction equipment to two minutes.

10. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.

11. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).

12. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.

13. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.

NOISE

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

GENERAL

A. **Mitigation Fee Act:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of this development project for the purpose of defraying all or a portion of the cost of public facilities related to this development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected as part of development agreements, or as a part of the application for the City's Residential Development Control System. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage. Notice is also hereby given that the Developer has an opportunity to

protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of this development project and that the 90-day protest period has begun.

B. **SIGNED COPIES OF APPROVAL CERTIFICATE:** Submit two (2) signed copies of the **APPROVAL CERTIFICATE** to the Planning Division prior to issuance of a building permit.

ENGINEERING DIVISION

I. LAND DEVELOPMENT ENGINEERING - PROJECT SPECIFIC CONDITIONS

A. Stormwater Management: Portions of the project site are within the jurisdictions of the San Francisco Bay Water Board (Region 2) and the Central Coast Water Board (Region 3). The project shall comply with the more stringent Region 3 requirements included in 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 ("Stormwater Guidance Manual").

1. At grading/building permit stage, submit a Stormwater Runoff Management Plan/Report (SWRMP).

a. The SWRMP shall match the City Standard Stormwater Runoff Management Plan Template.

b. The SWRMP shall include the following:

i. All relevant sheets from the project's improvement plans including the DMA map, stormwater details, and grading & drainage plans.

ii. A copy of the project's Geotechnical Report as an attachment to the SWRMP.

iii. An Operation and Maintenance Plan as an attachment to the SWRMP.

iv. A copy of the project's Stormwater Best Management Practices, Operation, and Maintenance Agreement as an attachment to the SWRMP.

v. Contact information for the owner of the facilities and responsible party for conducting the Operation and Maintenance Plan.

B. Landscaping: At grading permit/building permit stage, revise the Landscape Plans to specify the appropriate planting materials for the bio-retention ponds. The Central Coast Low Impact Development Initiative (LIDI) has bioretention plant design

resources available for reference which can be found in their website at https://www.centralcoastlidi.org/landscape.php.

C. The new trash enclosure shall comply with the City's updated Refuse and Recycling Enclosure Standards (City Ordinance No. 2328)

LAND DEVELOPMENT ENGINEERING - STANDARD CONDITIONS

II. 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. Encroachment Permit: Obtain necessary encroachment permit from the City of Morgan Hill and provide guarantee covering off-site improvements. (MHMC 12.08.040 A; 12.08.090)

V. 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 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 General Permit Site SWPPP Inspections and Compliance: The applicability of the requirement to have the site inspected by a qualified third party SWPPP Inspector (QSD or QSP or RCE) will be determined at grading/building permit stage.

F. 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)

G. 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

H. As-Built Submittal Standards: The developer shall submit digital as-builts of the project's Final Map, Grading Plan, and Improvement Plans which adhere to the City's updated GIS/CAD Developer Submittal Standards.

VIII. NPDES 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 from the City's Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan and

Checklist, and applicable calculations per the Guidance Manual. Project shall meet the applicable 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. 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. Legibility of stencils and signs must be maintained.

D. Trash Enclosure Areas: In addition to the requirements under Municipal Code Section 18.92.155 (Refuse and Recycling Enclosures), all trash enclosure areas must meet the following Structural or Treatment Control BMP requirements:

1. Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.

2. Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.

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.

F. Stormwater BMP Operation, Maintenance, and Replacement Responsibility

1. Prior to building final, the property owner 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 third party stormwater inspector hired by the permittee/owner) and have been constructed in accordance with the approved plans and specifications.

2. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s) or other legal entity approved by the City.

3. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.

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

H. Stormwater BMP Operation and Maintenance Agreement (SWBOMA):

1. Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written Stormwater BMP Operation and Maintenance Agreement with the City. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management BMPs. The City standard Stormwater BMP Operation and Maintenance Agreement will be provided by Land Development Engineering at building permit/improvement plan stage.

I. 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 City 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 the City.

J. Records of Maintenance and Inspection Activities: On or before April 15th and September 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP Operation and Maintenance Agreement shall provide the City Engineer or designee with records of all inspections, maintenance and repairs.

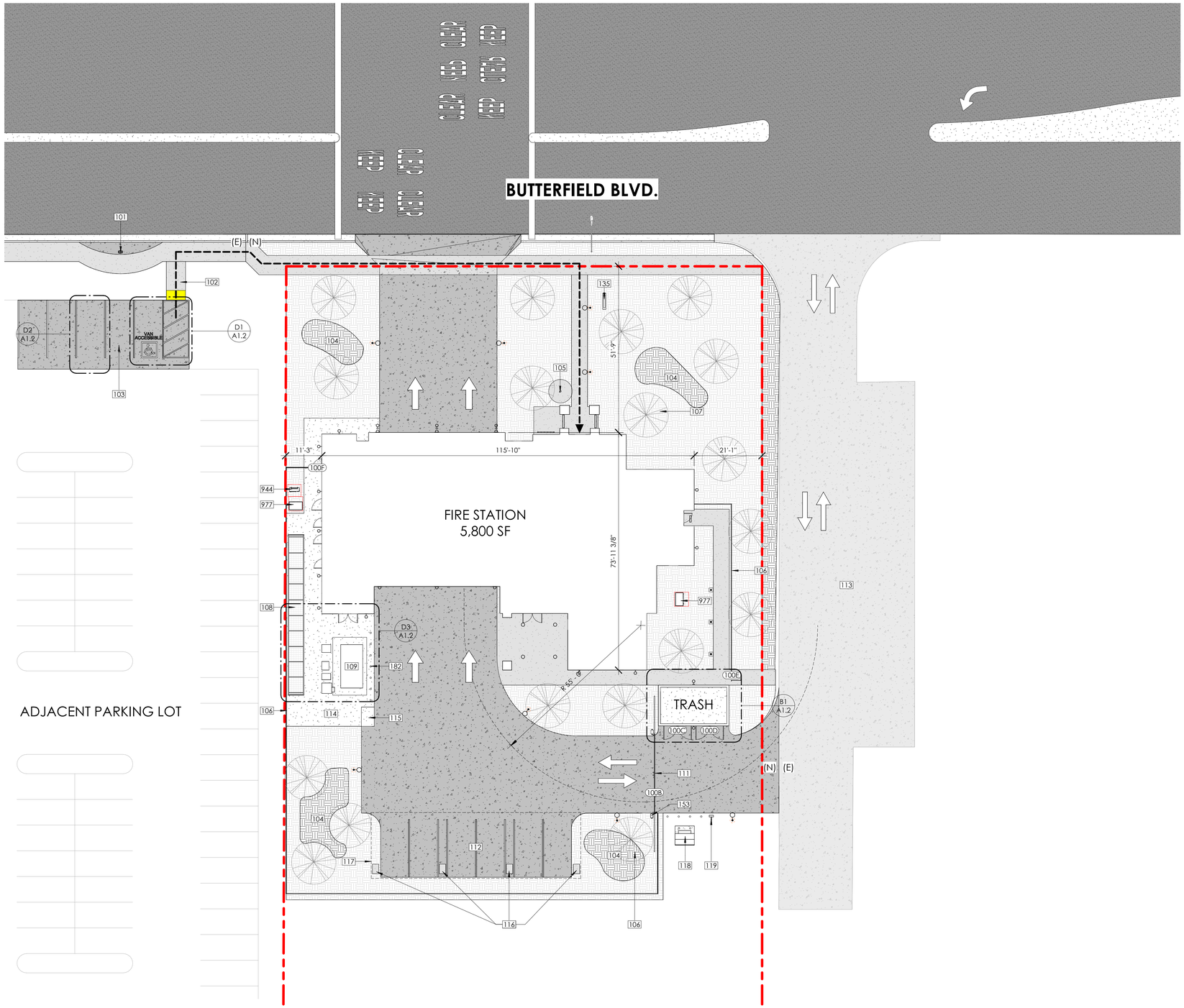
K. Annual Certification of SWRMP: On or before September 30th of each year, a Registered Civil Engineer (RCE) shall provide written certification that the project's stormwater quality design standards are properly maintained and functioning as required by the SWRMP.

BUILIDNG DIVISION

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

B. Project shall comply with the Morgan Hill Municipal Code (MHMC) including but not limited to:

- MHMC 15.65 Sustainable Building Regulations (16 LEED Points). https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.65SUBURE
- MHMC 18.72.040 C. Electric Vehicle Charging. (1 EV Charger is required for the 25 Parking Spots)
- 1MHMC 15.40 Building Security https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.40BUSE
- MHMC 15.38 Wage Theft Preventions https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR
- MHMC 18.148 Water Conservation https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT18ZO_DIVIIDECO_CH18.148WACO
- MHMC 15.63 Prohibition of Natural Gas Infrastructure in New Buildings (GAS IS PROHIBITED) https://library.municode.com/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.38WATHPR



D1 / A1.1 SITE PLAN
SCALE: 1/16" = 1'-0"

CONSTRUCTION NOTES

101	EXISTING FIRE HYDRANT
102	ACCESSIBLE RAMP FROM EXISTING PARKING LOT DOWN TO EXISTING SIDEWALK
103	NEW STRIPING FOR VAN ACCESSIBLE PARKING SPACE AND PUBLIC PARKING
104	BIORETENTION AREA
105	35-0" HIGH ALUMINUM FLAG POLE - REFERENCE STRUCTURAL DRAWINGS FOR FOOTING DETAIL
106	STEEL ORNAMENTAL 6' HIGH FENCE
107	NEW TREES, SEE LANDSCAPE
108	HOSE DRYING RACK
109	GENERATOR
111	ROLLING GATE
112	SECURE PARKING (6)
113	EXISTING DRIVEWAY
114	MICROGRID AREA
115	CURB RAMP
116	CONCRETE PIERS FOR PV SHADE STRUCTURE
117	SHADE STRUCTURE WITH PV PANELS
118	PG&E TRANSFORMER AND PAD
119	KEYPAD ON PEDESTAL TO OPEN GATE
135	MONUMENT SIGN
153	ROLLING GATE CONTROLLER DETAIL
182	METAL BOLLARD TYP.
944	HVAC EQUIPMENT, REFERENCE MECHANICAL DRAWINGS
977	STAND BY GENERATOR ON HOUSEKEEPING PAD, REFERENCE ELECTRICAL DRAWINGS

- CONCRETE DRIVEWAY/PARKING, SEE CIVIL
- EXISTING CONCRETE DRIVEWAY, SEE CIVIL
- CONCRETE WALKWAY, SEE CIVIL
- NEW CONCRETE WALKWAY, SEE LANDSCAPE
- NEW LANDSCAPING, SEE LANDSCAPE
- EXSISTING LANDSCAPE, SEE LANDSCAPE
- PROPERTY LINE
- ACCESSIBLE PATH OF TRAVEL

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619.698.9177 | www.coargroup.com

(CONSULTANT LOGO)

PROJECT:

CITY OF MORGAN HILL

BUTTERFIELD FIRE STATION

17285 Butterfield Blvd.
Morgan Hill, CA 95037

DESCRIPTION:	DATE:
SCHEMATIC DESIGN	07/11/22
PLANNING SUBMITTAL	09/27/22

NOT FOR CONSTRUCTION

PROJECT NUMBER:

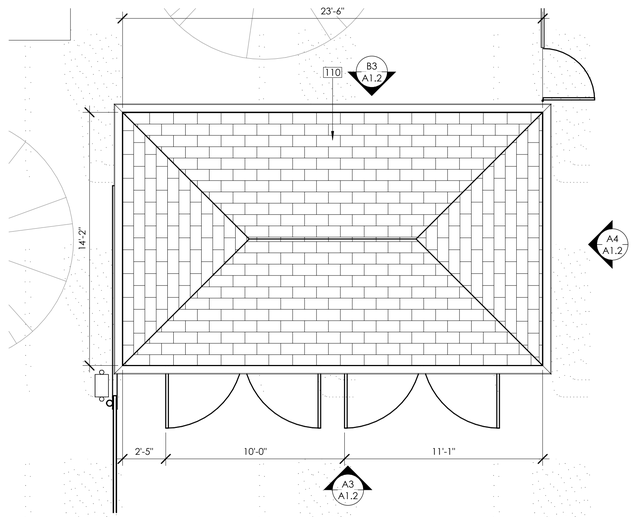
211101

SHEET TITLE:

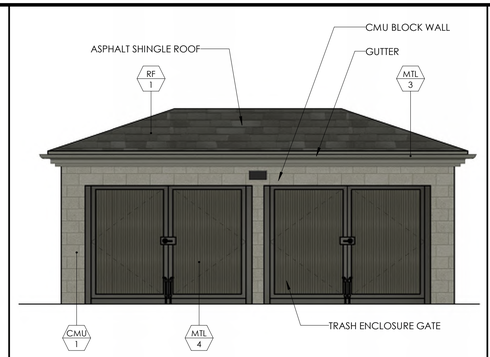
SITE PLAN

SHEET NUMBER:

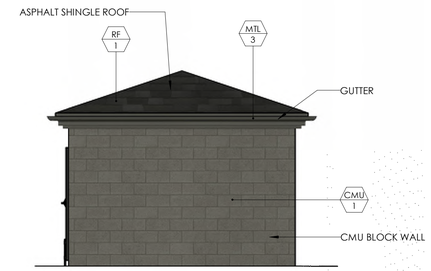
A1.1



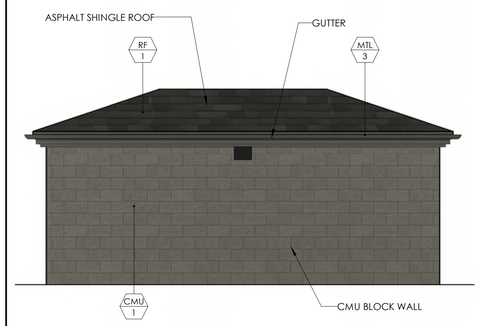
B1 A1.2 TRASH ENCLOSURE
SCALE: 1/4" = 1'-0"



A3 A1.2 TRASH ENCLOSURE WALL - SOUTH
SCALE: 1/4" = 1'-0"



A4 A1.2 TRASH ENCLOSURE WALL - EAST
SCALE: 1/4" = 1'-0"



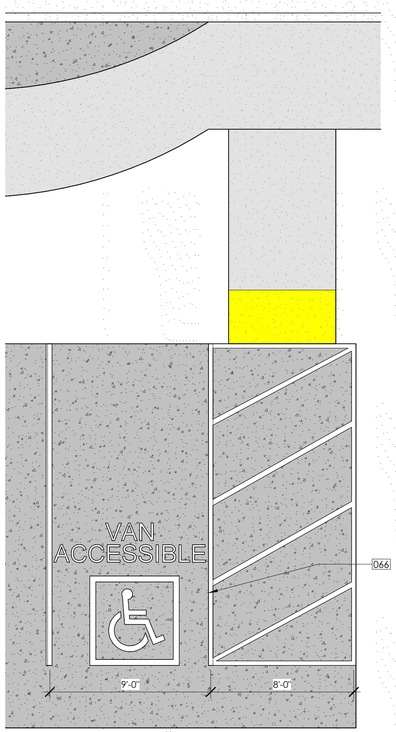
B3 A1.2 TRASH ENCLOSURE WALL - NORTH
SCALE: 1/4" = 1'-0"

CONSTRUCTION NOTES

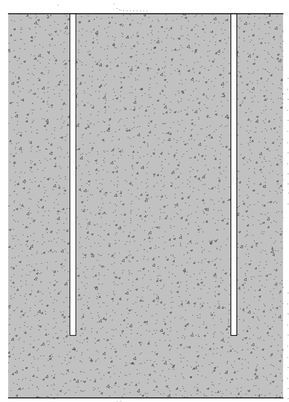
066 DISABLED PARKING SPACE AND ACCESS AISLE, SEE
106 STEEL ORNAMENTAL 6' HIGH FENCE
108 HOSE DRYING RACK
109 GENERATOR
110 TRASH ENCLOSURE SEE A1.2
115 CURB RAMP
120 TRASH ENCLOSURE GATE
182 METAL BOLLARD TYP.
258 CMU BLOCK WALL
550 TRANSFORMER 'TX-ES'
552 ENERGY MONITORING ENCLOSURE
553 ENERGY SYSTEM INVERTER 'INV-ES'
554 BATTERY ENCLOSURE
807 ASPHALT SHINGLE ROOF
826 GUTTER

EXTERIOR FINISH SCHEDULE

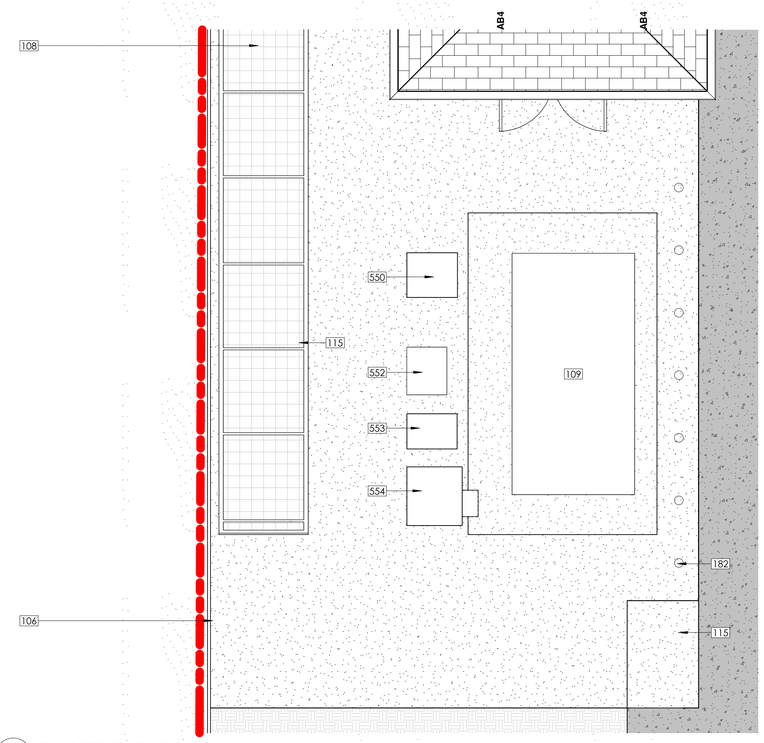
MATERIAL	TYPE	DESCRIPTION	
		NAME	COLOR
BRK	1	BRICK VENEER	SANDMOLD - STRATFORD
CMU	1	CONCRETE MASONRY UNIT	SPLITFACE -128
GL	1	GLAZING	CLEAR
MTL	1	FACTORY FINISH	DARK MEDIUM BRONZE
MTL	2	FACTORY FINISH	RAL 7013 - BROWN GREY
MTL	3	FACTORY FINISH	PPG DURANAR - NATURAL SUADE
MTL	4	FACTORY FINISH	CORRIGATED METAL DOOR TO MATCH PT-2
PT	1	PAINT	NATURE'S ESSENTIALS
PT	2	PAINT	DEEP CREEK
RF	1	ASPHALT SHINGLES	CLIFFSIDE GRAY
S	1	STUCCO	PT-1



D1 A1.2 ACCESSIBLE PARKING STALL
SCALE: 1/4" = 1'-0"



D2 A1.2 TYPICAL PARKING STALL
SCALE: 1/4" = 1'-0"



D3 A1.2 ENLARGED GENERATOR AREA
SCALE: 1/4" = 1'-0"

coar DESIGN GROUP
previously JKA
200 E STREET, SANTA ROSA, CA 95404
619.698.9177 | www.coargroup.com

(CONSULTANT LOGO)

PROJECT:

CITY OF MORGAN HILL

BUTTERFIELD FIRE STATION

17285 Butterfield Blvd.
Morgan Hill, CA 95037

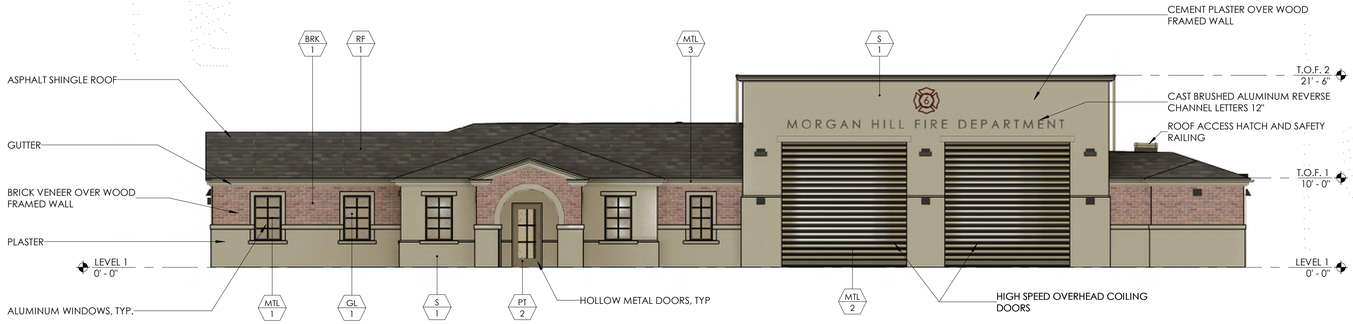
DESCRIPTION:	DATE:
SCHEMATIC DESIGN	07/11/22
PLANNING SUBMITTAL	09/27/22

NOT FOR CONSTRUCTION

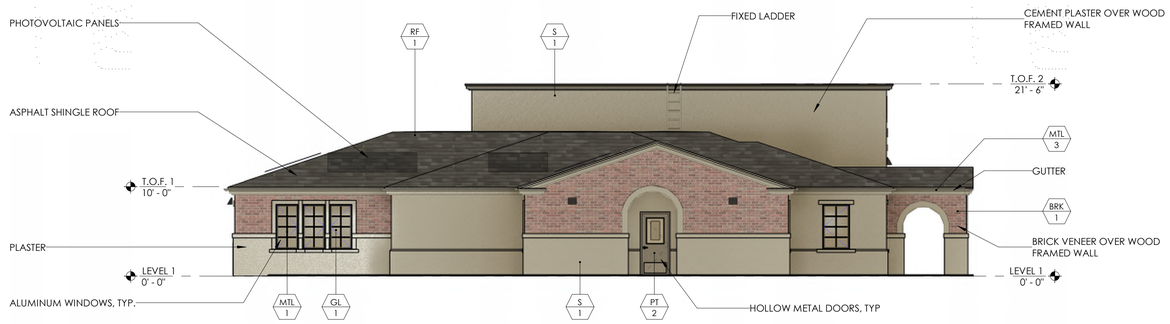
PROJECT NUMBER:
211101

SHEET TITLE:
ENLARGED SITE PLANS

SHEET NUMBER:
A1.2

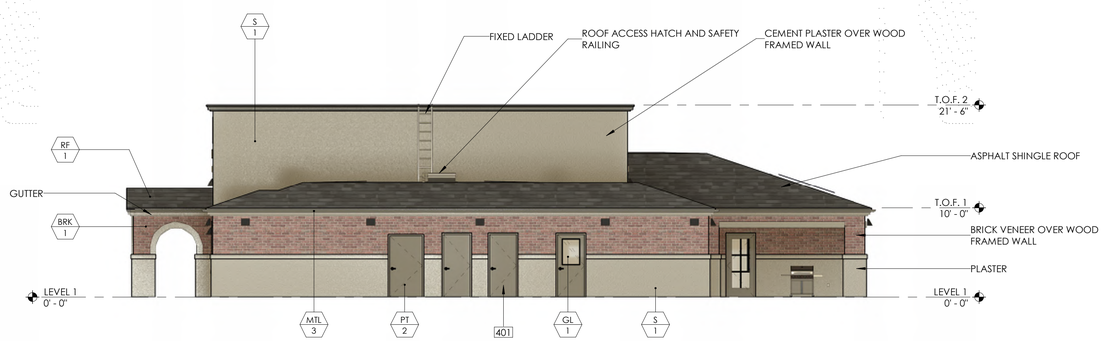


A1 / A3.1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



B1 / A3.1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

C1 / A3.1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



D1 / A3.1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE

MATERIAL	TYPE	DESCRIPTION	
		NAME	COLOR
BRK	1	BRICK VENEER	SANDMOLD - STRATFORD
CMU	1	CONCRETE MASONRY UNIT	SPLITFACE -128
GL	1	GLAZING	CLEAR
MTL	1	FACTORY FINISH	DARK MEDIUM BRONZE
MTL	2	FACTORY FINISH	RAL 7013 - BROWN GREY
MTL	3	FACTORY FINISH	PPG DURANAR - NATURAL SUADE
MTL	4	FACTORY FINISH	CORRIGATED METAL DOOR TO MATCH PT-2
PT	1	PAINT	NATURE'S ESSENTIALS
PT	2	PAINT	DEEP CREEK
RF	1	ASPHALT SHINGLES	CLIFFSIDE GRAY
S	1	STUCCO	PT-1

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(CONSULTANT LOGO)

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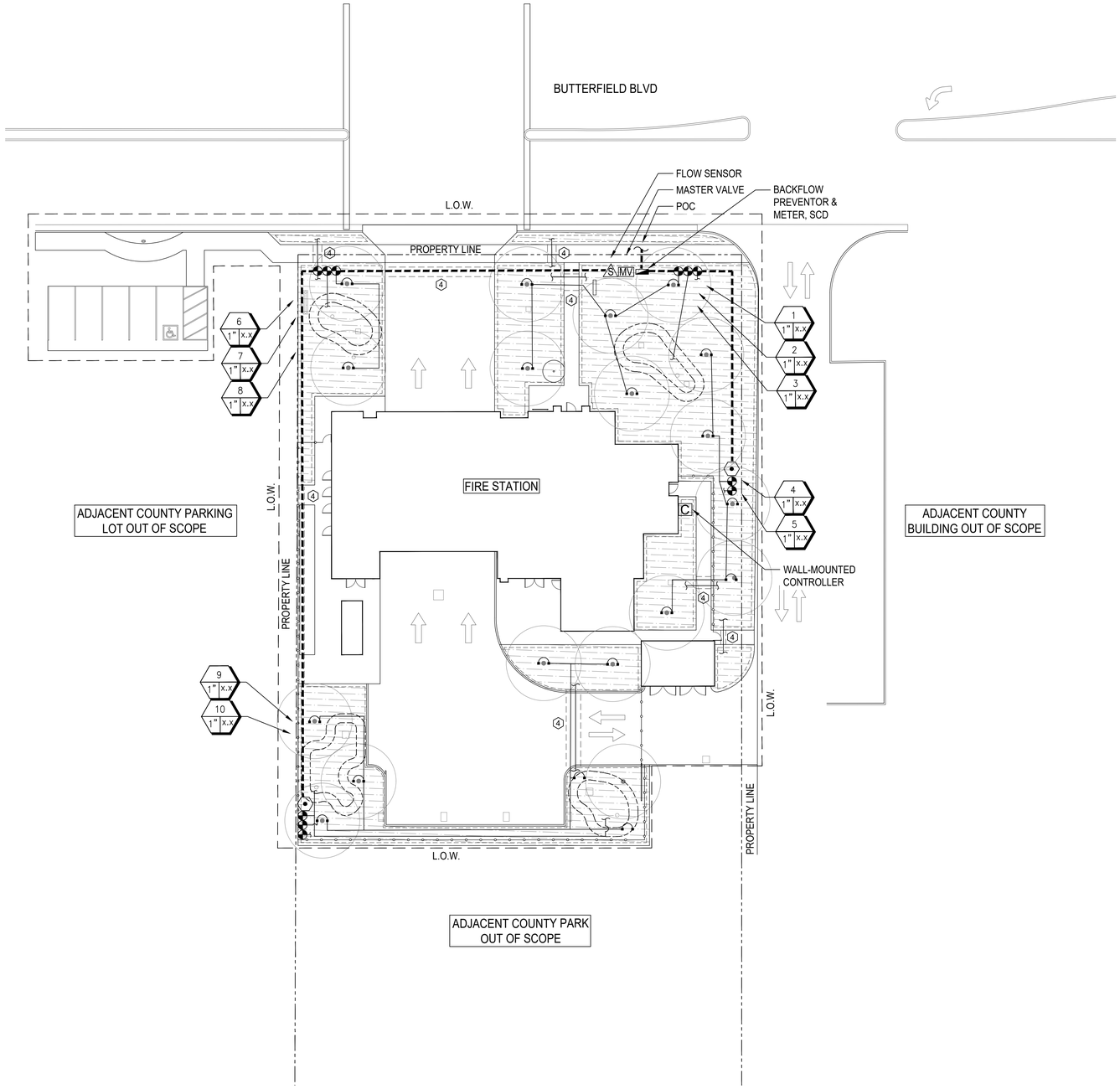
SHEET TITLE:

EXTERIOR ELEVATIONS

SHEET NUMBER:

A3.1



SCALE: 1" = 20'-0"

0 10' 20' 40'

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SHEET TITLE:

IRRIGATION PLAN

SHEET NUMBER:

L1.11

SYMBOL	ABBR	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	HEIGHT	SPREAD	WATER USE	QUANTITY
PERENNIALS									
	ANI HAR	Anigozanthos Harmony	RED-YELLOW KANGAROO PAW	30" O.C.	1 GAL	4'	3'	LOW	-
	ERI GRA	Eriogonum grande var. rubescens	SAN MIGUEL ISLAND BUCKWHEAT	2' O.C.	1 GAL	2'	2'	LOW	-
	MIM AUR	Mimulus aurantiacus	STICKY MONKEY FLOWER	2' O.C.	1 GAL	3'	2'	LOW	-
	PEN MAR	Penstemon heterophyllus 'Margarita BOP'	MARGARITA BOP FOOTHILL PENSTEMON	2' O.C.	1 GAL	2'	2'	LOW	-
	SAL CLE	Salvia clevelandii	CLEVELAND SAGE	5' O.C.	5 GAL	5'	5'	LOW	-
	TEU PRO	Teucrium chamaedrys prostratum	COMPACT CREEPING GERMANDER	3' O.C.	1 GAL	4'	3'	LOW	-
GROUNDCOVERS									
	ARC EME	Arctostaphylos Emerald Carpet	EMERALD CARPET MANZANITA	5' O.C.	5 GAL	1'	5'	LOW	-
	ARC PAC	Arctostaphylos Pacific Mist	PACIFIC MIST MANZNITA	6' O.C.	5 GAL	2'	6'	LOW	-
BIORETENTION									
	ACH MIL	Achillea millefolium	COMMON YARROW	2' O.C.	1 GAL	2'	2'	LOW	-
	BAC PIL	Baccharis pilularis 'Twin Peaks'	DWARF COYOTE BRUSH	5' O.C.	5 GAL	2'	5'	LOW	-
	CAR DIV	Carex divulsa	EUROPEAN GREY SEDGE	2' O.C.	1 GAL	1'	2'	LOW	-
	IRI DOU	Iris douglasiana	DOUGLAS IRIS	2' O.C.	1 GAL	2'	2'	LOW	-
	JUN PAN	Juncus patens	BLUE RUSH	2' O.C.	1 GAL	2'	2'	LOW	-
	MYR CAL	Myrica californica	PACIFIC WAX MYRTLE	8' O.C.	15 GAL	17'	15'	MEDIUM	-
	RIB SAN	Ribes sanguineum	RED FLOWERING CURRANT	4' O.C.	5 GAL	5'	4'	LOW	-

QUANTITIES BASED ON SQUARE FOOTAGE

36" BOX: 10 TREES
24" BOX: 10 TREES
15 GAL: 70 PLANTS
5 GAL: 300 PLANTS
1 GAL: 600 PLANTS

NOTES: QUANTITIES ARE AN ESTIMATE BASED ON PROPOSED PLANT PALETTE AND SQUARE FOOTAGE WITHIN SCOPE OF WORK AT DD PHASE. QUANTITIES ARE SUBJECT TO CHANGE.

TREE SCHEDULE

SYMBOL	ABBR	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	HEIGHT	SPREAD	WATER USE	QUANTITY
TREES									
	ARB MAR	Arbutus 'Marina'	MARINA STRAWBERRY TREE (STANDARD)	24" BOX	AS SHOWN	40'	35'	LOW	-
	PIS CHI	Pistacia chinensis	CHINESE PISTACHE	24" BOX	AS SHOWN	30'	25'	LOW	-
	PLA RAC	Platanus racemosa	CALIFORNIA SYCAMORE	24" BOX	AS SHOWN	40'	25'	MODERATE	-
	QUE AGI	Quercus agrifolia	COAST LIVE OAK	24" BOX	AS SHOWN	30'	30'	VERY LOW	-

PLANT SCHEDULE

SYMBOL	ABBR	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	HEIGHT	SPREAD	WATER USE	QUANTITY
SHRUBS									
	ARC HOW	*Arctostaphylos densiflora 'Howard McMinn'*	HOWARD MCMINN MANZANITA	6' O.C.	15 GAL	6'	6'	LOW	-
	CEA JUL	*Ceanothus 'Julia Phelps'*	SMALL LEAF MOUNTAIN LILAC	5' O.C.	5 GAL	5'	7'	LOW	-
	RHA CAL	*Rhamnus californica 'Eve Case'*	EVE CASE COFFEEBERRY	5' O.C.	5 GAL	6'	6'	LOW	-
	WES FRU	Westeringia fruticosa	COAST ROSEMARY	5' O.C.	5 GAL	4'	5'	LOW	-
GRASSES									
	BOU GRA	Bouteloua gracilis 'Blonde Ambition'	BLONDE AMBITION BLUE GRAMA	30" O.C.	1 GAL	30"	30"	LOW	-
	FES CAL	Festuca californica	CALIFORNIA FESCUE	3' O.C.	1 GAL	3'	3'	LOW	-
	FES MAI	Festuca mairei	ATLAS FESCUE	30" O.C.	1 GAL	30"	30"	LOW	-
	LEY CON	Leymus condensatus 'Canyon Prince'	CANYON PRINCE WILD RYE	3' O.C.	1 GAL	3'	3'	LOW	-
	LOM LON	Lomandra longifolia 'Breeze'	DWARF MAT RUSH	3' O.C.	1 GAL	3'	3'	LOW	-

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PROJECT:

CITY OF MORGAN HILL

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17285 Butterfield Blvd.
Morgan Hill, CA 95037

DESCRIPTION:	DATE:
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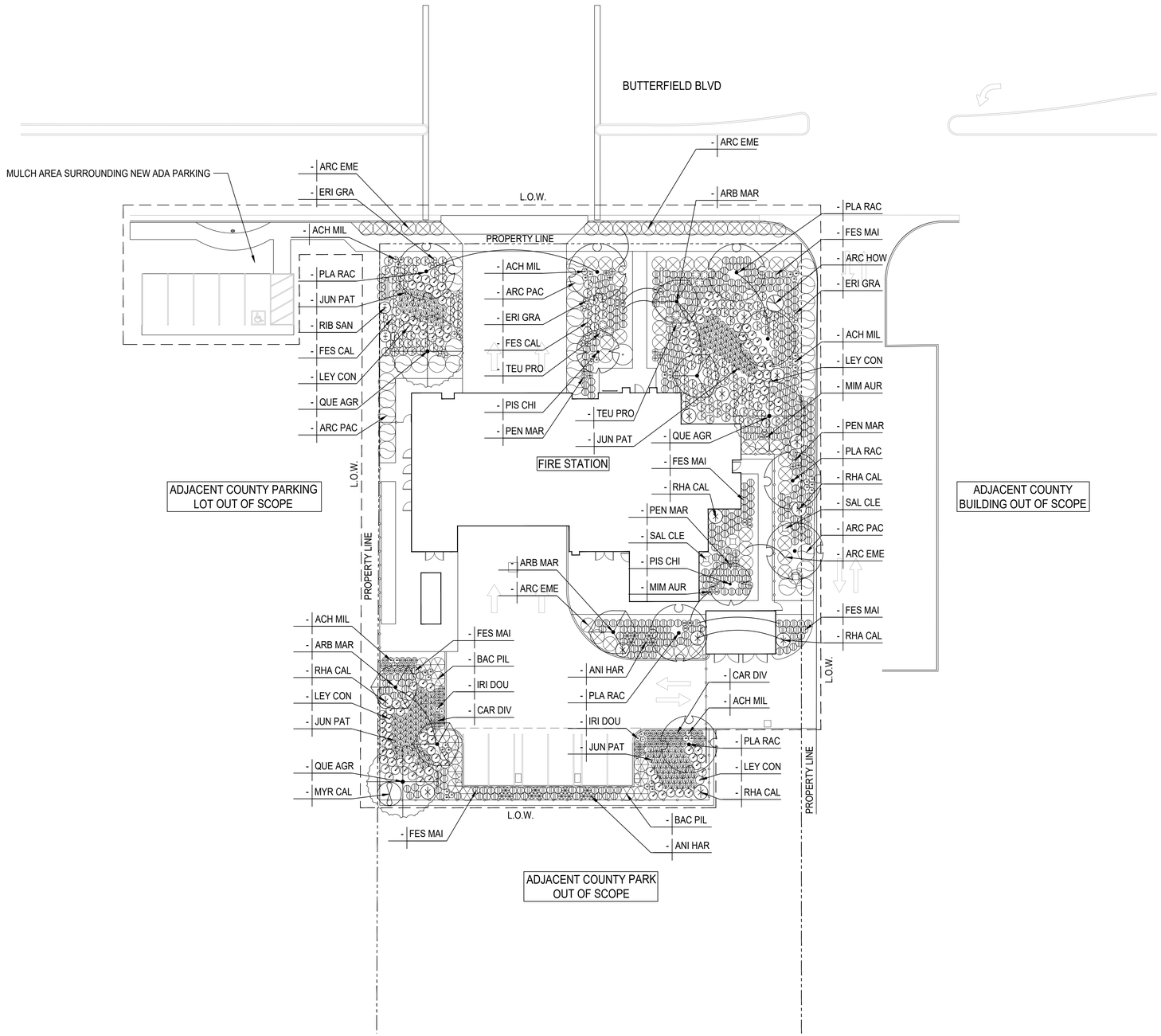
PLANNING SUBMITTAL	09/27/22

NOT FOR CONSTRUCTION

PROJECT NUMBER:
211101

SHEET TITLE:
PLANTING SCHEDULE

SHEET NUMBER:
L1.20



NOTES

1. REFER TO SPECIFICATIONS FOR SOIL PREPARATION, PLANTING, AND MAINTENANCE PERIOD REQUIREMENTS.
2. CONTRACTOR TO REFER TO PLANT LIST FOR PLANT SIZE AND SPACING. USE TRIANGULAR SPACING UNLESS OTHERWISE NOTED.
3. PLANT QUANTITIES ARE PROVIDED FOR CONTRACTOR'S CONVENIENCE ONLY. CONTRACTOR TO VERIFY ALL PLANT QUANTITIES SHOWN IN PLANTING PLANS.
4. CONTRACTOR TO SUBMIT PLANT SAMPLES FOR APPROVAL BY LANDSCAPE ARCHITECT, SEE SPECS.
5. LANDSCAPE ARCHITECT TO INSPECT PLANTING LAYOUT PRIOR TO INSTALLATION. CONTRACTOR TO PROVIDE IN SITU 10' X 10' MOCKUP OF ALL PLANT MIXES FOR APPROVAL BY LANDSCAPE ARCHITECT.
6. CONTRACTOR TO VERIFY LOCATION AND DEPTH OF ALL UTILITIES, STRUCTURES, AND IRRIGATION LINES BEFORE DIGGING.
7. GROUNDCOVERS ARE TO EXTEND UNDER TREE AND SHRUB PLANTINGS FOR FULL COVERAGE. SPACE GROUNDCOVER 18" AWAY FROM TREES AND 12" AWAY FROM SHRUBS.
8. SEE GRADING PLAN FOR FINISH GRADES. ALL FINISH GRADES REFER TO FINISH GRADE OF MULCHED LANDSCAPE.

SCALE: 1" = 20'-0"

0 10' 20' 40'

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SHEET TITLE:

PLANTING PLAN

SHEET NUMBER:

L1.21

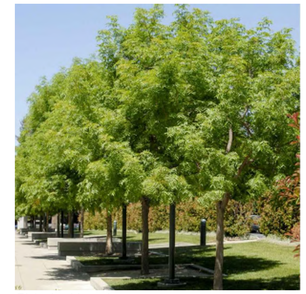
TREES

Aesculus californica
CALIFORNIA BUCKEYE

Arbutus 'Marina'
MARINA STRAWBERRY TREE

Chilopsis linearis
DESERT WILLOW

Olea europaea (non fruiting)
OLIVE TREE


Pistacia chinensis
CHINESE PISTACHE

Platanus racemosa
CALIFORNIA SYCAMORE

Quercus agrifolia
COAST LIVE OAK

Quercus lobata
VALLEY OAK

GROUNDCOVERS

Arctostpahylos 'Emerald Carpet'
EMERALD CARPET MANZANITA

Arctostaphylos 'Pacific Mist'
PACIFIC MIST MANZANITA

Rosmarinus officinalis prostratus
CREEPING ROSEMARY

Salvia 'Bee's Bliss'
BEE'S BLISS SAGE

SHRUBS

Arctostaphylos densiflora 'Howard McMinn'
HOWARD MCMINN MANZANITA

Ceanothus 'Julia Phelps'
SMALL LEAF MOUNTAIN LILAC

Garrya elliptica
COAST SILK-TASSEL

Heteromeles arbutifolia
TOYON

Prunus ilicifolia ssp. illicifolia
HOLLYLEAF CHERRY

Rhamnus californica 'Eve Case'
EVE CASE COFFEEBERRY

Westeringia fruticosa
COAST ROSEMARY

GRASSES

Bouteloua gracilis
BLUE GRAMA

Carex tumulicola
BERKELEY SEDGE

Festuca californica
CALIFORNIA FESCUE

Festuca mairei
ATLAS FESCUE

Leymus condensatus 'Canyon Prince'
CANYON PRINCE WILD RYE

Lomandra longifolia 'Breeze'
DWARF MAT RUSH

Muhlenbergia rigens
DEER GRASS

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SHEET TITLE:
PLANT PALETTE

SHEET NUMBER:
L1.22

PERENNIALS

Anigozanthos Harmony
RED-YELLOW KANGAROO PAW

Eriogonum grande var. rubescens
SAN MIGUEL ISLAND BUCKWHEAT

Hesperaloe parviflora
RED YUCCA

Mimulus aurantiacus
STICKY MONKEY FLOWER

Monardella villosa 'Russian River'
RUSSIAN RIVER COYOTE MINT

Penstemon heterophyllus 'Margarita BOP'
MARGARITA BOP FOOTHILL PENSTEMON

Salvia Clevelandii
CLEVELAND SAGE

Teucrium chamaedrys prostratum
COMPACT CREEPING GERMANDER

BIORETENTION

Achillea millefolium
COMMON YARROW

Baccharis pilularis
DWARF COYOTE BRUSH

Carex divulsa
EUROPEAN GREY SEDGE

Cercis occidentalis
WESTERN REDBUD

Iris douglasiana
DOUGLAS IRIS

Juncus patens
BLUE RUSH

Leymus condensatus 'Canyon Prince'
CANYON PRINCE WILD RYE

Myrica californica
PACIFIC WAX MYRTLE

Ribes sanguineum
RED FLOWERING CURRANT

Salvia sonomensis
SONOMA SAGE

Sisyrinchium bellum
BLUE EYED GRASS

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SHEET TITLE:
PLANT PALETTE

SHEET NUMBER:
L1.23

MORGAN HILL BUTTERFIELD FIRE STATION # 6
EXTERIOR FINISHES

RENDERING: Butterfield Boulevard

STUCCO COLOR
PT-1: Benjamin Moore, Nature's Essentials

APPARATUS BAY DOORS
MTL-2: Ral 7013, Brown Grey

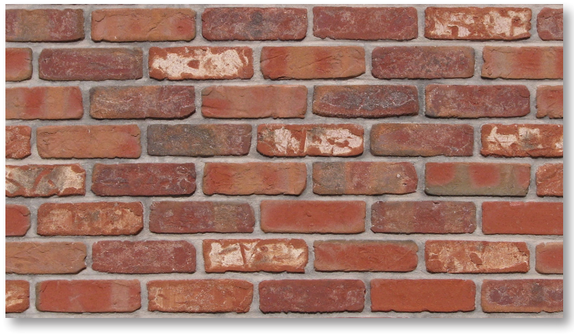
ASPHALT SHINGLE ROOFING
RF-1: Owens Corning, Duration - Cliffside Gray

GUTTERS
MTL-3: PPG Duranar, Natural Suede

HOLLOW METAL DOOR COLOR
PT-2: Benjamin Moore, Deep Creek

ALUMINUM WINDOW COLOR
MTL-1: Arcadia Custom, AB-5 Paint

BRICK VENEER
BRK-1: McNear, Sandmold - Stratford



CONCRETE MASONRY UNIT
CMU-1: Basalite, Splitface - 128

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CITY OF MORGAN HILL

CITY COUNCIL STAFF REPORT
MEETING DATE: November 2, 2022

PREPARED BY:
Jennifer Carman, Development Services Director
APPROVED BY: City Manager

APPROVE AMENDMENTS TO THE GENERAL PLAN AND CERTIFY A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR), ADOPT FINDINGS OF SIGNIFICANCE AND A STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVE MITIGATION MONITORING REPORTING PLAN FOR THE COCHRANE COMMONS RETAIL CENTER AND ASSOCIATED LAND. THE PROPERTIES, IDENTIFIED BY ASSESSOR PARCEL NUMBERS: 728-37-056, -069, AND -041, ARE LOCATED ON THE NORTHEAST CORNER OF HIGHWAY 101, COCHRANE ROAD, AND MISSION VIEW DRIVE, (MORGAN HILL RETAIL VENTURE LP, OWNER)

RECOMMENDATION(S)

1. Open/Close public hearing;
2. Adopt resolution certifying the SEIR, adopt Findings of Significance and Statement of Overriding Considerations and approve the Mitigation Monitoring and Reporting Program prepared for the project;
3. Adopt resolution approving an amendment to the General Plan land use designation;
4. Waive the first and second reading of Zoning Amendment Ordinance; and
5. Introduce Zoning Amendment Ordinance

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities
Maintaining and Enhancing Infrastructure
Supporting our Youth, Seniors, and Entire Community
Preserving and Cultivating Public Trust
Advancing Regional Initiatives

2022-2023 Strategic Priorities
Affordable Housing and Homelessness
Economic Development

Guiding Documents
Economic Blueprint
Morgan Hill 2035 General Plan

REPORT NARRATIVE:
LOCATION MAP/PROJECT INFORMATION:

1.	Location:	Northeast corner of Highway 101 and Cochrane Road identified by Assessor Parcel Numbers: 728-37-056, -069, and -041
2.	Site Area:	66.49 Acres
3.	General Plan:	Commercial and Mixed Use Flex
4.	Zoning:	Highway Commercial - PD (Planned Development Combining District)
5.	Request:	Request for a modification to an existing Planned Development Combining District and Master Plan to incorporate housing and expand range of uses allowed within the Cochrane Commons shopping center.

PROJECT DESCRIPTION:
The proposed project seeks to create a mixed-use neighborhood on the Cochrane Commons campus located at the southwest corner of Mission View Drive and Cochrane Road through General Plan Amendments and Zoning Code changes. Specifically, the applicant seeks to modify the approved Planned Development Combining District (PD) and the associated Master Plan to modernize the mix of land uses in the Cochrane Commons Shopping Center. The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The project would consist of 498 residential units, consisting of a mix of homes, townhomes, condos, and apartments; 135,000 square feet of retail space; a 140-room hotel. The residential uses would be located in the northern and middle portion of the project site and the hotel and commercial retail would be located in the southern portion. The project would also provide various on-site amenities for residents.

The applicant also proposes a General Plan Amendment to expand the Mixed-Use Flex General Plan land use designation to the entire Phase 2 portion of the site as shown in

the graphic below. An updated overall site plan and a Phase 2 site plan have been provided. The applicant is also seeking to allow a third pylon sign within the Shopping Center near U.S. Highway 101 as part of the Planned Development (PD). A further explanation of the applicant's request is provided in Statement of Planning Objectives attached to the Planning Commission staff report.

The approved center originally included over 650,000 square feet of commercial (12 major retail tenants and 50 smaller restaurants and shops). Since 2005, the developer has been working to attract retail tenants. The City has been challenged to attract retail users and has been working to develop a retail concentration strategy as part of the City's Economic Blueprint. The proposed changes seek to increase the viability of the existing shopping center, encouraging development of the remainder shopping center while providing a variety of housing options. The project will create a mixed-use neighborhood on the Cochrane Commons campus and it is deemed to be generally consistent with the City's General Plan and the City's 2017 Economic Blueprint.

BACKGROUND:
The Planned Development Combining District (PD) and associated Master Plan Overlay for the project site was established by City Council Ordinance No. 1746, New Series on November 5, 2005. Phase 1 is built on the west side of the property, with several sites remaining before final buildout. Phase 2, occupying the eastern half of the property, has yet to develop, although the parking lot area and trash dumpsters were constructed along with Phase 1 many years ago and a gas station was constructed at the Cochrane entrance in recent years. The General Plan land use designation for the majority of the shopping center is Commercial. The General Plan land use designation for the northeastern portion of Phase 2 next to Target was changed to Mixed Use Flex (MU-F) at the request of the property owner as part of the 2016 update of the Morgan Hill 2035 General Plan. Base zoning for the entire site is Highway Commercial (HC). A Planned Development Combining District has been applied to the entire site that serves as the zoning district that governs uses and development standards on the overall site. As required by Section 18.30.050 (Planned Development Combining District) of the Morgan Hill Municipal Code, the applicant submitted an application for preliminary review on the proposed planned development amendment. The Planning Commission considered the initial preliminary application at their February 11, 2020 meeting. The applicant continued to refine the application and appeared before the Planning Commission again on March 23, 2021. The applicant continued to further refine the application and submitted a number of minor changes or refinements over the last 18 months.

Planning Commission Action:

The Planning Commission reviewed the project on October 11, 2022 and accepted public comment on the proposed project. During the review of the project, the Commission expressed appreciation for the movement to complete the shopping center with the Phase 2 development and raised concerns regarding the proposed General Plan amendment for the entirety of the site and the number of changes proposed in the

use list and development standards within the PD.

General Plan Amendment
The application proposes to expand the existing Mixed Use Flex land use designation in the northeastern portion of the project site south towards Cochrane. While the proposal is to expand the designation, the proposed Master Plan does not include residential uses extending to Cochrane Road. The Planning Commission recommended limiting the expansion of the Mixed Use Flex designation to the area proposed for residential use as identified in the site plan. The proposed General Plan Amendment can be found consistent with the policies and provisions of the Morgan Hill 2035 General Plan as noted in the draft resolution.

Use List & Development Standards
Pursuant to Section 18.30.050.A of the Morgan Hill Municipal Code, “the purpose of the Planned Development (PD) combining district is to allow for high quality development that deviates from standards and regulations applicable to base zoning districts in Morgan Hill. The PD combining district is intended to promote creativity in building design, flexibility in permitted uses, and innovation in development concepts. The PD combining district provides landowners with enhanced flexibility to take advantage of unique site characteristics and develop projects that will provide public benefits for residents, employees, and visitors.” A PD functions as a customized zoning district and supersedes the Municipal Code when use allowances or development standards conflict with the Code.

The applicant provided a proposed list of permitted and conditional uses in Section 1 of the PD document. This list is an update from the list currently in the approved PD. The Planning Commission recommended a number of uses move from the permitted to conditional. These uses include lodging facilities, nursing homes and residential care, bars and nightclubs, vehicle sales and leasing,vehicle repair and maintenance and a blanket statement that would allow any use supportive of retail. The edits are noted in Exhibit A of the draft Ordinance.

Development standards were also modified in the proposed project from the original approval. These standards are noted throughout the text of the PD. The primary changes are increases to base height - from 40 to 68 feet and architectural features from 60-75 feet and reductions to setbacks and landscape strip width. There was also a minimum number of stories along Mission View listed as 3 stories.

The Planning Commission had concerns about the height increase and reductions in setbacks and landscape strips. The Commission recommended that the height increase only be applicable to residential and lodging uses as well as the third pylon sign - however, the Commission made it clear that residential uses should be limited to a 4-story height, not the 5-story height that could be supported at a height limit of 68 feet. It was also not clear to the Commission the reason for the reduced setback and landscape strips and they chose to recommend a modified reduction to lessen any potential negative impact. The Commission also recommended that a 2 story maximum be allowed immediately adjacent to the Mission View frontage.

The originally submitted PD amendment requested "any material future revisions to the project site plan and/or project design elevations included as a part of this application shall be reviewed and approved by City Staff at Staff level if it is determined by Staff that the project revisions are consistent with or in substantial conformance with the content or intent of this PD and or the project site plan and design elevations." Based on the limited detail included in the site plan and sample elevations, staff raised concerns about this request. Staff believed the proposed change in development standards noted in the above paragraph necessitates a formal review process to ensure appropriate transitions to adjacent areas. Site plans submitted to date are master plans, not detailed design plans where staff can determine whether City standards are met. The Design Review process requires submittal of these plans. The applicant responded to staff's concerns and edited the PD Amendment to request Administrative Design Review for specific developments within Phase 2 (Section 2. #4 in the PD Guidelines). The Planning Commission agreed and affirmed a condition requiring an administrative Design Permit for individual projects within Phase 2 in their recommendation resolution.

CEQA:
An EIR was certified with the other project approvals for the original Cochrane Commons PD in 2005. When an EIR has been adopted and a project is modified or expanded upon, additional CEQA review may be necessary. The key considerations in determining the need for the appropriate type of additional CEQA review are outlined in CEQA Guidelines Section 15162. The proposed project would involve substantial changes to the project analyzed in the 2005 EIR, including adding new residential uses and a hotel. Therefore, the City determined that the preparation of a SEIR is the appropriate approach to CEQA compliance. Consistent with CEQA Guidelines Section 15150, the 2005 EIR is incorporated into this document by reference.

Details of the CEQA analysis are included in the CEQA section of this report.

Traffic
Two separate traffic analysis documents were generated for the proposed project - one using the VMT metric required by CEQA (discussed further in the CEQA section of this report) and one using LOS to determine General Plan consistency. The LOS based traffic analysis found the proposed mixed-use development would result in 2,191 fewer daily trips with 285 additional trips during the AM peak hour and 180 fewer trips occurring during the PM peak hour when compared to the previously approved commercial/retail development on the project site. The proposed mixed-use project would not result in any new or substantially more severe effects on intersection operations than the previously approved commercial/retail development. Furthermore, two intersections (Monterey Road/Dunne Avenue and Cochrane Road/Mission View Road) were shown to be impacted by the approved commercial/retail development in the 2005 EIR. The identified mitigation measures of the 2005 EIR have since been completed.

The traffic analysis document based on LOS recommended the addition of a second

northbound left-turn lane on Mission View Drive and a cycle length adjustment would be necessary to improve intersection operations. The addition of the second northbound left-turn lane will require lane striping and signal modification but will fit within the existing curb-to-curb pavement width on Mission View Drive. Implementation of this improvement would improve the intersection's level of service to LOS C during both the AM and PM peak hours under Year 2030 Cumulative with both project conditions. The Planning Commission recommended review and implementation of this condition at the discretion of the City Engineer. This condition has been incorporated and is noted in the Planning Commission recommendation resolution.

CONCLUSION:

General Plan Amendments and Zone Changes, as proposed by the project applicant, are both legislative acts. The City is granted broad discretion to make decisions on legislative acts by State statute. Applications for such changes are not subject to the Permit Streamlining Act, and the City maintains significant discretion on all such requests, providing no obligation to recommend project approval or make findings for denial. The City is granted such discretion for legislative acts because changes to the General Plan and Zoning affect development policies for the entire City. Proposed amendments to the City's General Plan and zoning ordinance require careful consideration for internal consistency and long-term implications for effective land use planning. As such, this staff report and attachments document the City's policies, provides analysis of the proposed project, identifies required findings, and specific recommendations from the Planning Commission.

The proposed project will create a mixed-use neighborhood on the Cochrane Commons campus. The approved PD has been in place since 2005 and the originally envisioned big box retail/cineplex development has not been able to come to fruition. The developer has been working to attract retail tenants to the shopping center for over 15 years. The City's 2017 Economic Blueprint action 13 calls for a Retail Concentration Strategy to support existing retail as Morgan Hill is considered over-retailed. The proposed project is generally consistent with the General Plan and the changes proposed in the PD, while broad, create the most flexibility for future development within the center.

COMMUNITY ENGAGEMENT:

The proposed project was publicly noticed with expanded noticing (mailed to property owners within an expanded notice area – beyond 600 feet - of the project site and display notice placed in the local newspaper) for the minimum 10-day period. Information regarding the meeting was also placed on social media and the City's 411 information email. Prior to this public hearing, the Planning Commission also held two separate preliminary hearings in 2020 and 2021.

ALTERNATIVE ACTIONS:

The City Council could approve the project with amendments or direct staff to make

changes to the request provided the SEIR is certified and Findings of Significance and Statement of Overriding Considerations approved. The City Council could also deny the proposed project.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Planned Development Combining District (PD) and associated Master Plan Overlay for the project site was established by City Council Ordinance No. 1746, New Series on November 5, 2005. The Planning Commission considered the initial preliminary application at their February 11, 2020 meeting. The applicant continued to refine the application and appeared before the Planning Commission again on March 23, 2021. The Planning Commission approved amendments to the General Plan Land Use Map and Zoning Map at their October 11 meeting.

FISCAL AND RESOURCE IMPACT:

The City development review functions are cost-recovery, with fees collected from applicants to cover cost of services. These fees have been collected.

CEQA (California Environmental Quality Act):

An Environmental Impact Report (EIR) was prepared as a Subsequent EIR (SEIR) to the Cochrane Road Planned Unit Development Project 2005 EIR (2005 EIR, State Clearinghouse Number 2004112060). The 2005 EIR approval resolution is included as an attachment. On December 3, 2021, the City of Morgan Hill circulated a Notice of Preparation (NOP) for a 30-day comment period to request input on the types of impacts that could result from the proposed project. The Draft SEIR, along with appendices was made available for public review for a 45- day comment period that began on June 10, 2022 and ended on July 25, 2022. The Notice of Availability of a Draft SEIR was posted with the County Clerk, sent to the State Clearinghouse, published on the City's website, and mailed to responsible agencies. The City also held a virtual community open house as an opportunity for the public to submit verbal comments on July 13, 2022.

Responses to the Notice of Preparation of a Draft SEIR and input received at the SEIR scoping meeting held by the City are summarized in Section 1 of the Draft SEIR. Comment letters received during circulation of the Draft SEIR and responses to those letters are included in the FEIR. A Mitigation and Monitoring Report is also attached.

SEIR SUMMARY

As indicated in the Initial Study, there is no substantial evidence that significant and unmitigable impacts would occur to the following issue areas: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources,

Utilities and Service Systems, and Wildfire. Impacts to Tribal Cultural Resources and Transportation were found to be potentially significant and were addressed in the SEIR.

Table ES-4 in the FEIR summarizes the environmental impacts of the proposed project, proposed mitigation measures, and residual impacts (the impact after application of mitigation, if required) identified in the SEIR. Table ES-5 in the FEIR summarizes mitigation measures included in the 2005 EIR that would continue to be implemented under the proposed project. Because some mitigation measures have been previously complied with during development of Phase I, the already developed area adjacent to the project site, not every mitigation measure from the 2005 EIR would be included in the proposed project.

Impacts are categorized as follows:

- Significant and Unavoidable. An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a
  Statement of Overriding Considerations to be issued if the project is approved pe r §15093 of the CEQA Guidelines.
- Less than Significant with Mitigation Incorporated. An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under §15091 of the CEQA Guidelines.
- Less than Significant. An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- No Impact: The proposed project would have no effect on environmental conditio ns or would reduce existing environmental problems or hazards.

The Draft SEIR identifies significant impacts to the following California Environmental Quality Act (CEQA) environmental issue area: transportation. As described in the Draft SEIR, Vehicle Miles Traveled (VMT) impacts can be mitigated, but the project would not fall below the applicable residential VMT per capita threshold and would be considered significant and unavoidable. All other subject area impacts were determined to have no impact or less than significant with the implementation of mitigation measures.

VMT measures the amount and distance of vehicle travel attributed to a project or use. Specifically, VMT focuses on determining the origin and destination of travel patterns. Unlike LOS, VMT does not assess the local vehicle trips from a project or the project's traffic impacts on a local intersection or road/highway segment. Rather, VMT assesses the effects of the project on regional traffic and use of transit and non-motorized travel. VMT is not a new methodology; it has been used for many years in CEQA documents in estimating pollution (air quality impacts), GHG emissions, and energy consumption. VMT is typically calculated using a travel demand model, which estimates the total

number and length of vehicle trips to and from a given geographic area, such as transportation analysis zones (TAZs). The Valley Transportation Authority (VTA) developed the countywide VMT evaluation tool that is used to generate VMT calculations. Unfortunately, because it is a countywide model, the calculations levy 13 extra miles attached to Morgan Hill due to the City's distance from regional job centers in San Jose.

In June 2021, City Council directed City Staff to pursue a VMT model in order to deviate from the Valley Transportation Authority (VTA) Santa Clara Countywide VMT Evaluation Tool and/or to provide substantial evidence to deviate from the Governor's Office of Planning and Research (OPR) Technical Advisory which recommends a 15% threshold of significance reduction from existing VMT. This effort is currently underway.

The project would involve construction of Phase II of the Cochrane Commons development, which was previously analyzed in the Cochrane Road Planned Unit Development Project 2005 EIR (2005 EIR, State Clearinghouse Number 2004112060) on the undeveloped site adjacent to the completed Phase I. The 2005 EIR identified that significant and unavoidable impacts to agriculture, air quality, noise, and transportation would result from the previously approved project. The previously approved project and the current version of the project would both convert prime farmland out of agricultural use, and this impact would remain significant under the current project. The 2005 EIR found that the previously approved project would result in significant operational emissions from mobile air pollutant sources, even with the implementation of mitigation to implement a trip reduction plan. However, updated modeling with more accurate tools taking into account improved vehicle standards show that air quality emissions from the proposed current project would be less than significant. The 2005 EIR identified a short-term significant and unavoidable noise impact to two single-family residential units on the southeast corner of the project site due to the increased number of vehicle trips. As these units have since been demolished, this impact would no longer apply to the current project. The 2005 EIR also found that the previously approved project would generate new trips on the segment of US 101 between Tennant Avenue and Dunne Avenue that would exacerbate existing unacceptable level of service (LOS) conditions. Since the 2005 EIR's publication, SB 743 was passed, which prohibits the use of LOS as a metric to analyze transportation impacts under CEQA, so this impact is no longer relevant to the proposed project.

As stated previously, the project would exceed the applicable significance threshold for VMT. Even with Mitigation Measure TRA-1, that focuses on VMT Reductions, the project would not fall below the applicable residential VMT per capita threshold. A Findings of Fact and Statement of Overriding Considerations is included in the Draft Resolution for the SEIR. The previous 2005 EIR also included significant impacts to traffic and circulation and a Findings of Fact and Statement of Overriding Considerations was adopted for the original project.

There is no mitigation that could reduce VMT by 15% as required because of the extra 13 miles the City has to account for in the VTA traffic model - the methodology the City

uses to determine VMT impacts. Significant VMT impacts will be commonplace across all projects until the model or measurements are able to be adjusted.

As required by the California Environmental Quality Act (CEQA), the SEIR also examined alternatives to the proposed project. Studied alternatives include the following three alternatives: 1) No build, no project, 2) Build out based on current General Plan Designation, 3) Expansion of General Plan Mixed-Use Flex Designation on the north half of the site. Based on the alternatives analysis, the proposed project was determined to be the environmentally superior alternative.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A MITIGATION MONITORING PLAN; AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COCHRANE COMMONS PHASE 2 PROJECT.

WHEREAS, an Environmental Impact Report (EIR) (SCH Number 2022060200) was prepared for the Cochrane Commons Phase 2 Project in accordance with the California Environmental Quality Act (CEQA). A Notice of Preparation (NOP) was circulated between December 3, 2021 and January 3, 2022 to receive comments regarding the scope and content of the SEIR. A public scoping meeting was held on December 16, 2021 to receive oral comments on the NOP. The Draft SEIR was circulated between June 10, 2022 and July 25, 2022; and

WHEREAS, the City of Morgan Hill received comments on the Draft SEIR by seven individuals / organizations. Responses to those comments and minor changes to the Draft SEIR were included in a Final SEIR document in accordance with the requirements of CEQA; and

WHEREAS, the information contained in the Final SEIR, consisting of the Draft SEIR document in combination with the Final SEIR document, was reviewed and considered by the Planning Commission at a duly-noticed Planning Commission public hearing held on October 11, 2022; and the Planning Commission took action to recommend to the City Council that the Final SEIR be certified as being found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act; and

WHEREAS, the Environmental Impact Report concluded that implementation of the Project could result in one significant effect on the environment and identified mitigation measures that would reduce some but not all of those significant effects to a less-than significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an Environmental Impact Report that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environmental effects to a less-than-significant level and/or adopt a Findings of Fact and Statement of Overriding Considerations; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment,

CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of Morgan Hill as lead agency for the Project (the "Mitigation Monitoring and Reporting Program"); and

WHEREAS, the City of Morgan Hill is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the Subsequent Environmental Impact Report and the related Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Subsequent Environmental Impact Report, incorporating any Addenda, and related Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Project are on file in the Development Services Department located at 17575 Peak Avenue, Morgan Hill, California, 95037, and are available for inspection by any interested person at that location.

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

SECTION 1: **FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COCHRANE COMMONS PHASE 2 PROJECT:** The City Council finds, determines and declares the findings and facts and statement of overriding considerations as set forth in the attached Exhibit "A" by this reference incorporated herein.

SECTION 2: **CERTIFICATION OF FINAL EIR:** The City Council hereby certifies that the Final SEIR has been completed in compliance with CEQA

PASSED AND ADOPTED THIS 2ND DAY OF NOVEMBER 2022, AT A REGULAR MEETING OF THE CITY COUNCIL BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: **APPROVED:**

_____ _____

MICHELE BIGELOW, City Clerk RICHARD CONSTANTINE, Mayor

CERTIFICATE OF THE CITY CLERK

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. , adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the ___ day of _____, 2022.

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

DATE: _____ _____

MICHELE BIGELOW, City Clerk

EXHIBIT "A"

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COCHRANE COMMONS PHASE 2 PROJECT (State Clearinghouse No. 2004112060)

The following Findings, the mitigation measures specified herein, and the Mitigation Monitoring and Reporting Program attached hereto are hereby adopted by the Morgan Hill City Council in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21081, 21081.5 and 21081.6, and the CEQA Guidelines, Title 14, California Code of Regulations, Sections 15091 and 15092 for the Cochrane Commons Phase II Project (project).

Section 15091 of the CEQA Guidelines states that:

a. *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*

   (1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

   (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

   (3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the

environment. The CEQA Guidelines state in section 15093 that:

> *"If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable."*

A. ENVIRONMENTAL REVIEW PROCESS

The Subsequent Environmental Impact Report (SEIR) prepared by the City of Morgan Hill (City) for the Cochrane Commons Phase II Project (project) consists of the Draft Subsequent EIR (Draft SEIR) and the Final SEIR / Response to Comments on the Draft SEIR. It was prepared as a SEIR to the Cochrane Road Planned Unit Development Project 2005 EIR (2005 EIR, State Clearinghouse Number 2004112060). The project analyzed under the 2005 EIR included 590,100 square feet of retail space, a 12-pump gas station, and a 63,200-square-foot movie theatre in the same location as the project, which would have been built out in two phases. The 2005 EIR covered both Phase I and Phase II of project construction. Construction of Phase I of the project was completed in 2007.

The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The Phase II project would consist of 498 residential units, consisting of a mix of townhomes and apartments, 135,000 square feet of retail space, and a 140-room hotel. Residential and hotel uses were not considered under the 2005 EIR. The General Plan land use designation would be amended from Commercial to Mixed Use Flex and the zoning from Highway Commercial/Planned Unit Development to Mixed Use Flex/Planned Development for the Phase II development area.

On December 3, 2021, the City of Morgan Hill circulated a Notice of Preparation (NOP) for a 30-day comment period to request input on the types of impacts that could result from the proposed project. The Draft SEIR was made available for public review for a 45-day comment period that began on June 10, 2022 and ended on July 25, 2022. The Notice of Availability of a Draft SEIR was posted with the Santa Clara County Clerk, sent to the State Clearinghouse, published on the City's website, and mailed to responsible agencies. The City also held a virtual community open house as an opportunity for the public to submit verbal comments on the SEIR at 7:00 p.m. on July 13, 2022. The City of Morgan Hill received a total of seven written comment letters during the public comment period.

The City released the Final SEIR for public review on September 30, 2022. The Final SEIR consists of copies of all comments received on the Draft SEIR, a list of commenters, all responses to comments, and proposed amendments to the SEIR. The Final SEIR, Draft SEIR, and Mitigation Monitoring and Reporting Program (MMRP) together comprise the SEIR for the project. The analysis and conclusions contained in the SEIR

reflect the independent judgment of the City.

B. PROJECT DESCRIPTION

Section 2 of the Draft SEIR includes a detailed description of the project. Other than minor clarifications, no revisions to the project description were required.

The 33.5-acre project site is located at the southwest corner of Mission View Drive and Cochrane Road in the City of Morgan Hill. The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The project would consist of 498 residential units, consisting of a mix of homes, townhomes, condos, and apartments; 135,000 square feet of retail space; a 140-room hotel; and amending the zoning and General Plan designation to MUF for the Phase II development area. The residential uses would be located in the northern and middle portion of the project site and the hotel and commercial retail would be located in the southern portion. The project would also provide various on-site amenities for residents. A courtyard with outdoor open space would be provided near the proposed apartment units. A clubhouse, recreation hall, swimming pool would also be provided for on-site residents.

There would be a total of 1,367 parking spaces. During Phase I, the project would include 276 parking stalls. During Phase 2, 658 stalls would be added and during Phase 3, 433 stalls would be added. Vehicles would access the project site primarily from De Paul Drive, which would have two driveways leading to two central roadways which would connect to two driveways off Mission View Drive. An additional driveway would be located off of Cochrane Road which would allow right-in and right-out vehicle movements. The project site has been previously graded and would be further modified by additional grading. The storm drain system design would incorporate City standards for pipe sizes, maximum slopes, minimum flow velocities, and pipe material, and drainage would be to the planned detention pond and pumped to the adjacent Cochrane Channel at discharge rates at or below pre-development levels.

The project objectives are to:

- Increase the viability of the existing Cochrane Commons anchors and tenants
- Create a vibrant and exciting place for the residents of Morgan Hill to live, work, and shop all in one place
- Assist in protecting the tax revenue generated by the current and future tenants and the long-term viability of the City of Morgan Hill's retailers
- Provide much needed variety to the City's housing stock in the form of market rate and below market rate affordable housing
- Encourage the development of the remainder of the shopping center

The proposed project would require the following approvals:

- **Certification of a Subsequent EIR.** Certify the Cochrane Commons Phase II SEIR and make environmental findings pursuant to CEQA.

- **Amendment to Zoning and General Plan Designation.** Adopt an amendment to the zoning map and General Plan land use map to convert the Phase II development area to MUF.

C. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS AND DISPOSITION OF RELATED MITIGATION MEASURES

The following findings are hereby made by the City of Morgan Hill City Council for the significant environmental effects identified in the SEIR and Initial Study related to transportation (impacts related to VMT) and agriculture and forestry resources (impacts related to conversion of Important Farmland). The Final SEIR identified the following impact associated with the project that would be significant and unavoidable:

SEIR

1. **Transportation Impact TRA-2:** The project would exceed the applicable significance threshold for VMT. Mitigation Measure TRA-1 would reduce residential VMT per capita, but not below the per capita threshold of significance. Impacts would be significant and unavoidable.

   Mitigation Measure TRA-1: VMT Reductions. The applicant shall develop and implement Transportation Demand Management (TDM) plan that is aimed at achieving a reduction in residential vehicle trips to and from the site. The TDM plan will need to be prepared by a qualified traffic consultant and in coordination with the City of Morgan Hill Development Services Director or Designee. The TDM plan shall quantify the reduction in VMT. The TDM plan may include, but shall not be limited to, the following elements described below:

   - School Pool Programs: Organize a program that matches families in carpools for school pick-up and drop-off of all households from the project. Organizing a school pool program helps match parents who transport students to schools without a busing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT.
   - Voluntary Travel Behavior Change Programs. Provide a program that targets individual attitudes towards travel and providing tools for individuals to analyze and alter their travel behavior with 100% expected resident participation. These programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT.

Finding: Even with incorporation of Mitigation Measure TRA-1, VMT per capita would not be reduced by 27 percent, which is the percent needed to reduce the VMT per capita below the threshold. There are no feasible mitigation measures or combination of measures that would reduce the overall project VMT per capita by 27 percent. Therefore, the impact would remain significant and unavoidable.

Impacts related to transportation have been mitigated to the extent feasible. The City of Morgan Hill finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in Section K, *Statement of Overriding Considerations.*

INITIAL STUDY

1. Agriculture and Forestry Impact A: Impacts to Agricultural Resources were analyzed in Section 3.2 of the 2005 EIR. The 2005 EIR concluded that the project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, which would result in significant and unavoidable impacts. The impacts of the proposed project would be the same as those analyzed in the 2005 EIR.

2. Agriculture and Forestry Impact E: Impacts to Agricultural Resources were analyzed in Section 3.2 of the 2005 EIR. The 2005 EIR concluded that the project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, which would result in significant and unavoidable impacts. The impacts of the proposed project would be the same as those analyzed in the 2005 EIR.

Finding: The project would result in the conversion of Farmland to non-agricultural use, which would result in significant and unavoidable impacts. The 2005 EIR found that there are no feasible mitigation measures available to reduce the impact of agricultural land conversion to a less than significant impact. The City of Morgan Hill finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in Section K, *Statement of Overriding Considerations.*

For a detailed description of impacts and mitigation measures, see the appropriate text in the Final SEIR.

D. SIGNIFICANT IMPACTS IDENTIFIED IN THE INITIAL STUDY OR SEIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES INCORPORATED INTO THE PROJECT

The following findings are hereby made by the City of Morgan Hill City Council for the significant environmental effects identified in the SEIR and Initial Study that would be reduced to a less than significant level through incorporation of mitigation measures. The City finds for each of the significant or potentially significant impacts identified in this section that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the SEIR and Initial Study and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the mitigation measures

will effectively make the mitigation measures part of the project. In addition, compliance with City and other applicable regulations will further reduce project impacts. Therefore, the City finds that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the SEIR and Initial Study.

SEIR

The Final SEIR identified several impacts associated with the project that would be reduced to a level of less than significant with the implementation of mitigation measures identified in the Final SEIR:

1. Transportation Impact TRA-4: The project could result in inadequate emergency access to the project site. This impact would be less than significant with adherence to Mitigation Measure TRA-2.

2. Tribal Cultural Resources Impact TCR-1: The project has the potential to uncover buried tribal cultural resources during ground disturbing activities. Should project construction activities encounter a tribal cultural resource, Mitigation Measure TCR-1 would ensure that potential impacts to tribal cultural resources would be less than significant.

INITIAL STUDY

3. Aesthetics Impact D: Lighting impacts from the proposed project as potentially significant because of its potential adverse effects to night sky visibility and the Lick Observatory on Mount Hamilton. Potentially significant impacts would be reduced to a less than significant level with the implementation of Mitigation Measure 3.1-1 from the 2005 EIR.

4. Air Quality Impact B: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard. BAAQMD recommends the implementation of best management practices (BMP) to reduce fugitive dust emissions. Adherence to the dust control measures listed in Mitigation Measure 3.3-2 of the 2005 EIR would reduce impacts to less-than-significant levels.

5. Biological Resources Impact A: The project would impact potentially candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measures Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2, and 3.4-3 from the 2005 EIR.

6. Biological Resources Impact D: The project site is located in an urbanized area of Morgan Hill and lacks natural habitats or riparian corridors and does not connect habitat or open space areas. With Mitigation Measures 3.3-1 through 3.3-3 and 3.4-

1a through 3.4-3 incorporated, the project would not interfere substantially with wildlife movement, and this impact would be less than significant.

7. Biological Resources Impact E: The project site currently does not have any existing trees that would be removed by the proposed project. The project would comply with existing regulations, avoidance measures, and mitigation fees in the HCP and Burrowing Owl Mitigation Plan. The project would not conflict with any local policies or ordinances, and impacts would be less than significant with implementation of mitigation measures.

8. Biological Resources Impact F: The project site is located in an urbanized area of Morgan Hill and would be required to comply with Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2, and 3.4-3, and applicable mitigation fees and mitigation measures that are identified in Chapter 6 of the HCP.

9. Cultural Resources Impact A-C: The project site does not contain known historic resources, archaeological resources, or human remains. Nonetheless, project ground-disturbing activities have the potential to impact unrecorded cultural resources. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measures 3.5-1a and 3.5-1b from the 2005 EIR.

10. Geology and Soils Impact A1-A4: With implementation of the mitigation measures described below, the project site would be considered suitable for development provided that the recommendations contained in a geotechnical investigation conducted by Twining Laboratories in 2004 are implemented. Furthermore, the project would be required to comply with California Building Code requirements and 2005 EIR Mitigation Measure 3.6-1 which would reduce impacts to less than significant. Subsurface conditions on the project site and depth to groundwater across the site would indicate that there is some potential for liquefaction at the site. Therefore, the 2005 EIR requires implementation of Mitigation Measure 3.6-2 to reduce impacts to a less-than-significant level. Settlements would exceed the tolerances for conventional shallow spread foundations and slabs on grade planned for the project. The 2005 EIR required implementation of Mitigation Measure 3.6-3 to reduce this impact to less than significant.

11. Geology and Soils Impacts C-D: Settlements would exceed the tolerances for conventional shallow spread foundations and slabs on grade planned for the project. The 2005 EIR required implementation of Mitigation Measure 3.6-3 to reduce this impact to less than significant. Due to the compressible nature of the near surface soils, they would not provide adequate support for the proposed improvements in their existing condition. The 2005 EIR further required implementation of Mitigation Measure 3.6-4 to reduce this impact to a less-than-significant level. The 2005 EIR found that there is a less-than-significant impact from unstable soils or geologic units and expansive soils, as development standards and compliance with Mitigation Measures 3.6-5 through 3.6-7, the Morgan Hill Building Code, and California Building

Code would ensure structures are constructed to accommodate unstable or expansive soil units.

12. Geology and Soils Impact F: No paleontological resources have been explicitly found in the City, but project construction has the potential to result in inadvertently uncovering unique resources during ground-disturbing activities. Implementation of Mitigation Measure 3.5-1a would reduce impacts to unique paleontological resources to less than significant.

13. Hydrology and Water Quality Impact D: The Anderson Dam has been identified to have seismic safety concerns and is currently undergoing a capital earthquake retrofit to improve dam safety and to return the Anderson Reservoir to its original storage capacity. Flood hazard risk at the project is therefore slightly higher than the risk originally identified in the 2005 EIR. Tsunami, and seiche risk remain the same as when analyzed in the 2005 EIR. The impact would therefore be the same as for the previous project, mitigation measures 3.8-1 through 3.8-3 would apply, and the issue was addressed adequately in the 2005 EIR. Mitigation measures included in the 2005 EIR require an emergency evacuation plan, which would apply to the proposed project.

14. Public Services Impact A1-A2: The proposed project is located in an urbanized area already served by the MHPD and is generally similar to the surrounding uses and would not substantially increase demand on local police services. The proposed project would be required to implement Mitigation Measure 3.11-1 from the 2005 EIR to reduce impacts to less-than-significant levels.

15. Utilities and Service Systems Impacts D-E: There is adequate capacity available to serve the project. Mitigation Measure 3.13-1 from the 2005 EIR would increase the solid waste diversion of project-generated waste.

E. LESS THAN SIGNIFICANT IMPACTS IDENTIFIED IN THE SEIR OR INITIAL STUDY

The following findings are hereby made by the City of Morgan Hill City Council regarding issue areas with no impact on the environment. The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are not significant or are less than significant. The SEIR and Initial Study provide a detailed analysis of the less-than-significant impacts of the proposed project for all issue areas below.

SEIR

1. Greenhouse Gas Emissions Impact GHG-1: The project would generate temporary and long-term increases in GHG emissions, but such emissions would remain below the adjusted efficiency threshold intended to demonstrate consistency with the 2030 statewide GHG reduction target.

2. Transportation Impact TRA-1: The project would not conflict with applicable policies

addressing transit, bicycle, and pedestrian facilities.

3. Transportation Impact TRA-3: The project would not introduce design features or incompatible uses that could increase traffic hazards.

INITIAL STUDY

1. Aesthetics Impact A: The proposed project site is not on a hillside, the project would not conflict with City goals and policies regarding hillside preservation in the City's 2035 General Plan. Furthermore, the project would comply with height regulations established in the Zoning Code. The proposed project would not have a significant impact on scenic vistas.

2. Aesthetics Impact C: The project would not substantially degrade the existing visual character or quality of the site and its surroundings.

3. Air Quality Impact A: The project would not conflict with or obstruct implementation of the applicable air quality plan.

4. Air Quality Impact C: The project would not expose sensitive receptors to substantial pollutant concentration.

5. Air Quality Impact D: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

6. Energy Impact A: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

7. Energy Impact B: The project would result in no impact to state and local plans for renewable energy or energy efficiency.

8. Geology and Soils Impact B: With compliance with existing regulations, substantial erosion during construction would not occur.

9. Geology and Soils Impact E: The project would be serviced by wastewater collection and treatment systems, and no septic tanks or alternative wastewater disposal systems would be installed, which would be the same for the modified project.

10. Hazards and Hazardous Materials Impact A: The proposed project would include residential and commercial retail land uses, which typically do not use or store large quantities of hazardous materials.

11. Hazards and Hazardous Materials Impact B: No known changes in the conditions of the soils or groundwater at the site have occurred since 2005, and the proposed development would not include activities that use or store more hazardous materials than the Phase II project analyzed in the 2005 EIR.

12. Hazards and Hazardous Materials Impact D: The project site is not located on a hazardous materials site. A search of the Department of Toxic Substances Control (DTSC) EnviroStor database and the State Water Resources Control Board (SWRCB) GeoTracker database conducted on September 9, 2021, confirmed the project site is not located on a hazardous materials site on either database.

13. Hazards and Hazardous Materials Impact F: The proposed project would not result in adverse effects on emergency response or evacuation plans. The project would be required to comply with federal, state, and local regulations, including the Morgan Hill Emergency Operations Plan.

14. Hazards and Hazardous Materials Impact G: The project would not expose people or structures to significant risks involving wildland fires.

15. Hydrology and Water Quality Impact A: The project would be required to comply with regulations under the NPDES permit, Regional Water Quality Control Board, and adopted City regulations, which would address impacts to water quality.

16. Hydrology and Water Quality Impact B and E: The project would not extract groundwater or directly interfere with the groundwater table through construction activities on the site, as ground disturbance would not occur below the water table. The WSA provided as Appendix WSA determines that there is sufficient water supply available to meet the project's projected demands reliably over a 20-year projection and with consideration to varying climatic (drought) conditions.

17. Hydrology and Water Quality C1-C4: The 2005 EIR found that the proposed project would result in a substantial increase in stormwater runoff generated at the project site compared to existing conditions, but the project includes detention ponds, which have been designed to provide temporary storage of increased runoff in order to prevent increased flooding downstream. Detention basins on the project site would be fixed to accommodate Santa Clara Valley Water District (Valley Water) requirements and the City's detention design criteria. The stormwater to be temporarily stored in the planned detention ponds will be pumped to the adjacent Cochrane Channel at discharge rates, which are at or below pre-development levels, as required by Valley Water.

18. Land Use and Planning Impact A-B: The project would not divide an established community. The proposed project would not result in conflicts with Morgan Hill Municipal Code regulations adopted to avoid or mitigate environmental effects.

19. Mineral Resources Impacts A-B: The proposed project would not result in significant impacts to mineral resources, as the City of Morgan Hill General Plan and the General Plan EIR do not identify any mineral resource areas in the vicinity of the project site.

20. Noise Impact A: The project would not make substantial alterations to roadway

alignments [1] or substantially change the vehicle classifications mix on local roadways. The project would therefore not result in significant impacts to these receivers or any receivers from an increase in traffic noise. Offsite traffic would not create a new or substantially increased noise impact.

21. Noise Impact B: Construction vibration would be lower than what is considered a distinctly perceptible impact for humans. The project does not include substantial vibration sources associated with operation.

22. Population and Housing Impact A: Implementation of the proposed project and the additional population would be in population projections for the City and would not result in substantial cumulative impacts due to population growth. The proposed project would not induce substantial unplanned growth directly or indirectly.

23. Public Services Impact A3: Payment of the development fees is considered full mitigation for the proposed project's impacts related to schools under CEQA and impacts would be less than significant.

24. Public Services Impact A4: The proposed project would not have substantially adverse impacts associated with the provision of new or physically altered recreational services, or the need for new or physically altered recreational services.

25. Public Services Impact A5: The project's new residents would generate additional demand for library services, but the project's growth is in the population forecasts in ABAG projections. The proposed project does not include and would not require new or physically altered governmental facilities.

26. Recreation Impact A-B: The increase in population would result in a proportionate increase in demand for recreational facilities. The project's residential and commercial development would impact the parkland ratio in the City. The amenities provided by the proposed project would reduce the demand for offsite recreational facilities generated by new residents.

27. Utilities and Service Systems Impacts A-C: Services are readily available near the project site. The City of Morgan Hill has prohibited the use of natural gas in new development, the project would not involve the use of natural gas. As circumstances have not changed with respect to electricity and telecommunications infrastructure, the project would continue to be adequately served. There is adequate wastewater service available to serve the project. There is adequate water supply available to serve the project.

28. Wildfire Impacts A-D: The proposed project is not located in a State Responsibility

[1] The project would include the addition of a dedicated left turn lane and right turn lane on Tokay Avenue for movements in and out of the community; other than restriping lanes for the dedicated turn lanes, the project would not alter Tokay Avenue (e.g., no roadway widening required).

Area (SRA) or located near a VHFHSZ.

F. AREAS OF NO IMPACT IDENTIFIED IN THE SEIR OR INITIAL STUDY

The Final SEIR and Initial Study prepared for the project identified impacts that would have no impact:

The following findings are hereby made by the City of Morgan Hill City Council for the environmental effects found to have no impact:

SEIR

1. Greenhouse Gas Emissions Impact GHG-2: The project would be consistent with the 2017 Scoping Plan and Plan Bay Area 2050. This project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

INITIAL STUDY

1. Aesthetics Impact B: There are no designated State Scenic Highways in Morgan Hill. Thus, there would be no impact to scenic resources in a State Scenic Highway.

2. Agricultural Resources Impact B: Neither the project site nor the directly adjacent parcels are under Williamson Act contracts.

3. Agricultural Resources Impact C-D: The General Plan and U.S. Department of Agriculture does not identify any land in the City as zoned for forest land or timberland. The project site does not contain forest land or forestry resources.

4. Biological Resources Impact B: The project site lacks sensitive natural communities and protected wetlands, the project would not have a direct adverse impact on biological resources

5. Biological Resources Impact C: There are no riparian areas or other sensitive natural communities on or directly adjacent to the project site.

6. Hazards and Hazardous Materials Impact C: The project would not emit hazardous emissions or handle hazardous materials within 0.25 mile of a school.

7. Hazards and Hazardous Materials Impact E: The project would not be within two miles of a public airport or airstrip and would not result in a safety hazard or excessive noise hazards.

8. Noise Impact C: The project site is outside of the area of the land use plan for the airport. There are no private airstrips near the project site. Because there are no airports or airstrips near the project site, the project would not result in the exposure of people to excessive noise levels from aircraft.

9. Population and Housing Impact B: There are currently no residences on the project site. Therefore, the project would not displace existing people or housing.

G. MITIGATION MONITORING AND REPORTING PROGRAM

When making findings, the lead agency must adopt a reporting or monitoring program for the mitigation measures it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment. The City hereby adopts the MMRP for the project, included as Attachment A to these findings. The mitigation measures identified in the Final SEIR and adopted and incorporated into the project will be monitored pursuant to this program.

H. ALTERNATIVES

Pursuant to CEQA Guidelines Section 15126.6, the SEIR examined a range of reasonable alternatives to the proposed project that would attain most of the basic project objectives but would avoid or substantially lessen the significant adverse impacts. The City has reviewed the impacts associated with each alternative as compared with the proposed project, and has also considered each alternative's feasibility, considering a range of economic, environmental, social, and legal factors. Overall, the City concludes that Alternative 1 (No Project Alternative) would be the environmentally superior alternative. However, pursuant to CEQA Guidelines Section 15126.6(e)(2), if the No Project Alternative is determined to be environmentally superior, the EIR shall also identify an environmentally superior alternative among the other alternatives. . As discussed above, both Alternative 2 and Alternative 3 would result in reduced transportation impacts compared to the proposed project; however, transportation impacts under Alternative 2 and Alternative 3 would remain significant and unavoidable. Furthermore, the additional commercial buildout under Alternative 2 and Alternative 3 would result in an increased amount of annual operational GHG emissions. While these emissions do not exceed the adjusted BAAQMD emissions per service person threshold, both alternatives would result in more annual operational GHG emissions, which would result in further impacts to the environment. The alternatives considered by the City are summarized below.

Alternative 1 (No Project Alternative) Under the No Project Alternative, the proposed residential, retail, and commercial buildings associated with the proposed project would not be constructed. Alternative 1 would involve no modification of the existing parcel. The site would remain vacant, and no land use designation or zoning changes would occur. Alternative 1 would not fulfill the project's objectives to develop the remainder of the shopping center, nor would it provide additional housing.

Alternative 2 (No Project – Allowable Buildout under Existing General Plan Designation Alternative) The No Project – Allowable Buildout alternative assumes that the proposed residential, retail, and commercial buildings associated with the proposed project are not constructed. However, this alternative also assumes that buildout currently allowed by the existing Morgan Hill 2035 General Plan land use designations

would occur. As described in Section 2, *Project Description,* the project site is currently split between two land use designations. Approximately 13 acres of the northwest corner of the site is designated Mixed Use Flex (MUF) (7-24 dwelling units/acre) with the remaining 20.5 acres designated Commercial. The Commercial designation allows a wide range of retail businesses, administrative and executive office uses, and professional services, either in stand-alone buildings or as part of shopping centers, with a maximum FAR of 0.6. With 20.5 acres of the project site designated as commercial and a FAR of 0.6, Alternative 2 would allow a maximum of approximately 536,000 square feet of commercial development.[2] The MUF designation allows for a mix of residential, commercial, and office uses, with 7 to 24 dwelling units per acre and a maximum FAR of 0.5. With 13 acres of the project site designated as MUF, a maximum of 312 dwelling units could be developed in the project site. Because lands designated as MUF have a maximum FAR of 0.5, the maximum residential building footprint within the site would be approximately 283,000 square feet. [3] Altogether, Alternative 2 would result in the development of fewer residential units and more commercial area. This alternative would meet most of the project objectives, but it would contribute less housing stock than the proposed project.

Alternative 3 (Mixed-Use Flex Designation on North Half of the Site Alternative) The Extension of Mixed-Use Flex Designation to Cover Half the Site alternative assumes that the 2035 General Plan land use designation of MUF would be extended beyond the northwestern portion of the project site to the east to encompass the northern half of the project site. Residential, retail, and commercial buildings would be constructed consistent with the adjusted land use designation. Approximately 16.75 acres on the northern side of the project site would be designated MUF, and 16.75 acres on the southern side of the project site would remain designated as commercial. 16.75 acres of land designated as MUF would allow for up to 402 dwelling units to be built under Alternative 3,[4] and 16.75 acres of land designated as commercial would allow for up to approximately 435,600 square feet of commercial use.[5] Alternative 3 would result in half as much area designated as MUF compared to the proposed project; thus, the extended MUF area under this alternative would allow the development of fewer dwelling units compared to the proposed project. Alternative 3 would also involve an increase in areas designated as commercial compared to the proposed project. Similar to the proposed project, this alternative would meet the project objectives by increasing the viability of the existing Cochrane Commons anchors and tenants, developing the remainder of the shopping center, and adding variety to the city's housing stock.

I. RECIRCULATION NOT REQUIRED

[2] 20.5 acres multiplied by a FAR of 0.6, converted to square feet, equals approximately 536,000 square feet of allowable commercial development.

[3] 13 acres multiplied by up to 24 dwelling units per acre equals 312 dwelling units. 13 acres multiplied by a FAR of 0,5 converted to square feet, is approximately 283,000 square feet of residential development.

[4] 16.75 acres multiplied by up to 24 dwelling units per acre equals 402 dwelling units.

[5] 16.75 acres Multiplied by a FAR of 0.6, converted to square feet, equals approximately 435,600 square feet of allowable commercial development.

No new or substantial changes to the SEIR were proposed as a result of the public comment process. The Final SEIR responds to comments and makes only minor technical changes, clarifications or additions to the EIR. The minor changes, clarifications, and additions to the SEIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts. Therefore, recirculation of the SEIR is not required.

J. RECORD OF PROCEEDINGS

Various documents and other materials constitute the record of proceedings upon which the City base their findings and decisions contained herein. Documents related to this proposed project are located in the City of Morgan Hill Development Services, 17575 Peak Avenue, Morgan Hill, California 95037.

K. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance the benefits of a project against its significant and unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)). CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final SEIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)). The proposed project would result in significant and unavoidable impacts related to vehicle miles traveled and transportation, even after incorporation of Mitigation Measure TRA-1, VMT Reductions.

The City adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the project and the anticipated benefits of the project. The City finds that the project's benefits of providing affordable multi-family housing, increasing the viability of the Cochrane Commons, and developing the remainder of the shopping center outweighs the project's significant unavoidable environmental effects.

On balance, the City finds that there are specific considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects. Therefore, pursuant to CEQA Guidelines Section 15093(b), these adverse effects are considered acceptable.

L. SUBSTANTIAL EVIDENCE SUPPORTING FINDINGS

Substantial evidence supporting each and every finding made herein is contained in the Final SEIR and record of proceedings. Omission of reference in these findings to any evidence in the SEIR and/or record of proceedings is not intended to exclude that evidence as supporting these findings.

In making these findings, the City Council has relied upon the expertise of a variety of independent technical and professional consultants to the City, and the expertise of the City's Staff. The City Council has also carefully considered the evidence submitted by

property owners and other interested agencies and individuals. To the extent that evidence consists of expert opinions that differ from the opinions of the City's outside consultants and Staff, at most it represents a disagreement of experts, which is adequately reviewed in the EIR. Based on its review, the City Council has determined that the opinions of its outside consultants and Staff are valid and are hereby accepted. In some instances, the City Council has also relied on the expertise of other agencies who have provided comments on the Draft SEIR and other actions related to the Project. To the extent that alternatives or mitigation measures were proposed by other agencies or interested persons that differ from the mitigation adopted herein, the City Council specifically rejects these proposals based on the substantial evidence in the record supporting the mitigation adopted as sufficient and necessary to mitigate impacts to a less than significant level or to the level that the impacts can feasibly be mitigated.

RESOLUTION NO. XX-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING A GENERAL PLAN AMENDMENT FOR THE COCHRANE COMMONS PLANNED UNIT DEVELOPMENT FOR A 66.49-ACRE AREA LOCATED AT THE NORTHEAST QUADRANT OF COCHRANE ROAD AND HIGHWAY 101 (APNs 728-37-001, -002, -004, -005 & -007)

WHEREAS, the applicant is requesting a General Plan Amendment and an amendment to the master development plan and Planned Unit Development (PUD) Guidelines for a shopping center on a 66.49-acre site originally approved in 2005 to incorporate housing units into the project; and

WHEREAS, such request was considered by the Planning Commission at their regular meeting of October 11, 2022, at which time the Planning Commission recommended approval of applications ZA2019-0003 and GPA2021-0004 (Morgan Hill Retail Venture LP, Owner; 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 CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed General Plan land use designation amendment generally meets the letter and intent of the General Plan goals and policies. The incorporation of housing into the project creates a "lifestyle" center where a mix of uses allows residents inside and outside the center as well as employees to meet daily needs without the use of a private automobile. The traffic analysis conducted for the General Plan consistency review showed that the proposed mixed-use project would not result in any new or substantially more severe effects on intersection operations than the previously approved commercial/retail development.

SECTION 2. The Planned Development amendment will yield a mixed-use project that is consistent with General Plan City and Neighborhood Form Policies CNF-10.3, CNF-10.6, CNF-13.1 Housing Element Policy HE-4u, Economic Development Element Policy ED7.4. There is no specific plan or area plan relating to this site.

SECTION 3. The existing PD provides for a regional shopping center and the first phase has been completed. Stand-alone, big box shopping centers are

no longer a successful development model and, as such, the applicant desires to incorporate housing into the project to create a mixed-use neighborhood more consistent with the Morgan Hill 2035 General Plan and superior to the originally approved PD.

SECTION 4. There is an existing Planned Development on this property. Substantial public benefits were not required with the approval of the original PD. The incremental changes proposed by the Amendment allow housing on the site. The project will pay special attention to the connections between Phase I and II to ensure uses complement each other and there is adequate interface between uses. The project will give to the pedestrian scale of common areas and activation of the pedestrian realm. The additional activation of public spaces and connections across the property will provide benefits not only to residents of the center, but to the public as well.

SECTION 5. The site is more than adequate in size to accommodate the original regional shopping center Planned Development as well as the proposed mixed-use development that would be achievable by adding housing to the site.

SECTION 6. The site is located adjacent to Highway 101 bounded by Cochrane Road and Mission View Drive. There are wet and dry utilities and infrastructure in the surrounding area that support the development of this site.

SECTION 7. The proposed changes to the existing PD will create a mixed-use neighborhood that will be compatible with the existing and planned land use character in the area surrounding the existing center. There continues to be a significant impact under CEQA related to transportation, similar to what was approved as part of the 2005 PD and associated EIR. However, this significant impact is based on Vehicle Miles Traveled (VMT). The traffic study conducted for the General Plan based on Level of Service (LOS) demonstrated that the proposed mixed-use project would not result in any new or substantially more severe effects on intersection operations than the previously approved commercial/retail development.

SECTION 8. A Subsequent Environmental Impact Report has been prepared for this project as part of the General Plan Amendment and Zoning Amendment applications. Mitigation measures and a monitoring program will be adopted for those environmental impacts identified in the report.

SECTION 9. The required findings for a Zoning Amendment in Section 18.114.060 can be made. The Planned Development amendment will yield a mixed-use project that is consistent with General Plan City and Neighborhood Form Policies CNF-10.3, CNF-10.6, CNF-13.1 Housing Element Policy HE-4u, Economic Development Element Policy ED7.4. There is no specific plan or area plan relating to this site. The inclusion of housing and the creation of a mixed-use neighborhood will not be detrimental to the public interest,

health, safety, convenience, or welfare of the city. The project site is physically suitable for the proposed changes to the existing PD and the creation of a mixed-use neighborhood will create a more integrated community with easy access to goods and services.

SECTION 10. The required findings for a General Plan Amendment in Section 18.115.060 and for a Planned Development amendment in Section 18.30.050 H.7 can be made.

SECTION 11. The approved project shall be subject to the following conditions:

a. The applicant shall comply with the mitigation measures of the certified Subsequent Environmental Impact Report, remaining mitigation measures in the 2005 Environmental Impact Report and adhere to the adopted Mitigation Monitoring and Reporting Program.

b. The project shall be subject to compliance with the PD Guidelines and Development Standards as attached in revised Exhibit A of this Resolution.

c. Individual developments within Phase 2 shall be subject to Administrative Design Review.

d. Any additional signage beyond the additional pylon side discussed within the PD Guidelines shall be added to the uniform sign program and reviewed and approved by the Development Services Director.

e. The following mitigation from the Transportation Operations Analysis prepared on December 10, 2021 shall be reviewed and implemented at the discretion of the City Engineer. Page III – "The addition of a second northbound left-turn lane on Mission View Drive and a cycle length adjustment would be necessary to improve intersection operations. The addition of the second northbound left-turn lane will require lane striping and signal modification but will fit within the existing curb-to-curb pavement width on Mission View Drive. Implementation of this improvement would improve the intersection's level of service to LOS C during both the AM and PM peak hours under Year 2030 Cumulative with both project conditions."

f. The expansion of the General Plan Land Use Designation shall match the area designated as residential on the approved Planned Development Master Plan.

PASSED AND ADOPTED THIS 2nd DAY OF NOVEMBER, 2022, AT A REGULAR MEETING OF THE CITY COUNCIL BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: **APPROVED:**

_____ _____

MICHELE BIGELOW, City Clerk RICHARD CONSTANTINE, Mayor

CERTIFICATE OF THE CITY CLERK

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. , adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the ___ day of _____, 2022.

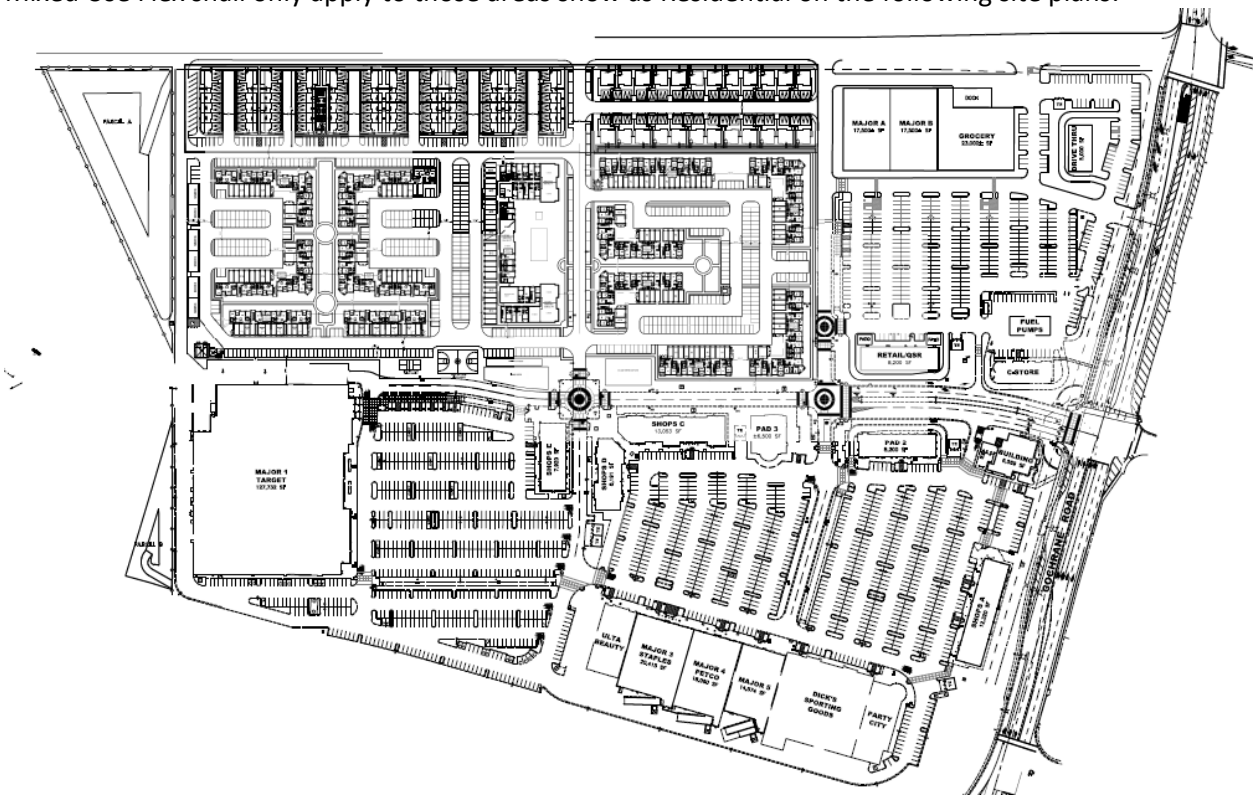
WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____ _____

MICHELE BIGELOW, City Clerk

EXHIBIT A – General Plan Map Amendment

Mixed Use Flex shall only apply to those areas show as Residential on the following site plans:



Project Site Plan

Landscape Site Plan

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A ZONING MAP AMENDMENT FOR EXPANSION OF A MIXED-USE FLEX ZONE AND PLANNED DEVELOPMENT COMBINING DISTRICT AND MASTER PLAN FOR A FOR A 66.49-ACRE AREA LOCATED AT THE NORTHEAST QUADRANT OF COCHRANE ROAD AND HIGHWAY 101 (APNs 728-37- 001, -002, -004, -005 & -007)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

SECTION 1. The Planned Development amendment will yield a mixed-use project that is consistent with General Plan City and Neighborhood Form Policies CNF-10.3, CNF-10.6, CNF-13.1 Housing Element Policy HE-4u, Economic Development Element Policy ED7.4. There is no specific plan or area plan relating to this site.

SECTION 2. The existing PD provides for a regional shopping center and the first phase has been completed. Stand-alone, big box shopping centers are no longer a successful development model and, as such, the applicant desires to incorporate housing into the project to create a mixed-use neighborhood more consistent with the Morgan Hill 2035 General Plan and superior to the originally approved PD.

SECTION 3. There is an existing Planned Development on this property. Substantial public benefits were not required with the approval of the original PD. The incremental changes proposed by the Amendment allow housing on the site. The project will pay special attention to the connections between Phase I and II to ensure uses complement each other and there is adequate interface between uses. The project will give to the pedestrian scale of common areas and activation of the pedestrian realm. The additional activation of public spaces and connections across the property will provide benefits not only to residents of the center, but to the public as well.

SECTION 4. The site is more than adequate in size to accommodate the original regional shopping center Planned Development as well as the proposed mixed-use development that would be achievable by adding housing to the site.

SECTION 5. The site is located adjacent to Highway 101 bounded by Cochrane Road and Mission View Drive. There are wet and dry utilities and infrastructure in the surrounding area that support the development of this site.

SECTION 6. The proposed changes to the existing PD will create a mixed-use neighborhood that will be compatible with the existing and planned land use character in the area surrounding the existing center. There continues to be a significant impact under CEQA related to transportation, similar to what was approved as part of the 2005 PD and associated EIR. However, this significant impact is based on Vehicle Miles Traveled (VMT). The traffic study conducted for the General Plan based on Level of Service (LOS) demonstrated that the proposed mixed-use project would not result in any new or substantially more severe effects on intersection operations than the

previously approved commercial/retail development.

SECTION 7. A Subsequent Environmental Impact Report has been prepared for this project as part of the General Plan Amendment and Zoning Amendment applications. Mitigation measures and a monitoring program will be adopted for those environmental impacts identified in the report.

SECTION 8. The required findings for a Zoning Amendment in Section 18.114.060 can be made. The Planned Development amendment will yield a mixed-use project that is consistent with General Plan City and Neighborhood Form Policies CNF-10.3, CNF-10.6, CNF-13.1 Housing Element Policy HE-4u, Economic Development Element Policy ED7.4. There is no specific plan or area plan relating to this site. The inclusion of housing and the creation of a mixed-use neighborhood will not be detrimental to the public interest, health, safety, convenience, or welfare of the city. The project site is physically suitable for the proposed changes to the existing PD and the creation of a mixed-use neighborhood will create a more integrated community with easy access to goods and services.

SECTION 9. The required findings for a General Plan Amendment in Section 18.115.060 of the Municipal Code and for a Planned Development amendment in Section 18.30.050 H.7 of the Municipal Code can be made.

SECTION 10. The request was considered by the Planning Commission at its regular meeting of October 11, 2022, at which time the Planning Commission recommended approval of Zoning Amendment application, **ZA2019-0003**: **COCHRANE – MORGAN HILL RETAIL VENTURE CENTER** and the Planned Development Master Plan as described in the attached Exhibit "A" dated October 30, 2019, and revised on March 13, 2020, and further revised by applicant on October 11, 2022 and further revised by the Planning Commission on October 11, 2022, and by this reference incorporated herein. The City Council accepts the recommendation of the Planning Commission.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 2ND DAY OF NOVEMBER 2022, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 16THDAY OF NOVEMBER 2022, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

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

APPROVED: **ATTEST:**

_____ _____
RICH CONSTANTINE, Mayor **MICHELLE BIGELOW, City Clerk**

CERTIFICATE OF THE CITY CLERK

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 Ordinance No. XXXX, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 16th day of November 2022.

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

DATE: _____ _____
MICHELLE BIGELOW, City Clerk

EXHIBIT A

Planned Development Master Plan

RESOLUTION NO. 22-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL TO ADOPT A GENERAL PLAN AMENDMENT AND AMENDMENTS TO THE COCHRANE COMMONS PLANNED UNIT DEVELOPMENT FOR A 66.49-ACRE AREA LOCATED AT THE NORTHEAST QUADRANT OF COCHRANE ROAD AND HIGHWAY 101 (APNs 728-37-001, -002, -004, -005 & -007)

WHEREAS, the applicant is requesting a General Plan Amendment and an amendment to the master development plan and Planned Unit Development (PUD) Guidelines for a shopping center on a 66.49-acre site originally approved in 2005 to incorporate housing units into the project; and

WHEREAS, such request was considered by the Planning Commission at their regular meeting of October 11, 2022, at which time the Planning Commission recommended approval of applications ZA2019-0003 and GPA2021-0004 (Morgan Hill Retail Venture LP, Owner; and

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

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

SECTION 1. The proposed General Plan land use designation amendment generally meets the letter and intent of the General Plan goals and policies. The incorporation of housing into the project creates a "lifestyle" center where a mix of uses allows residents inside and outside the center as well as employees to meet daily needs without the use of a private automobile. The traffic analysis conducted for the General Plan consistency review showed that the proposed mixed-use project would not result in any new or substantially more severe effects on intersection operations than the previously approved commercial/retail development.

SECTION 2. The Planned Development amendment will yield a mixed-use project that is consistent with General Plan City and Neighborhood Form Policies CNF-10.3, CNF-10.6, CNF-13.1 Housing Element Policy HE-4u, Economic Development Element Policy ED7.4. There is no specific plan or area plan relating to this site.

SECTION 3. The existing PD provides for a regional shopping center and the first phase has been completed. Stand-alone, big box shopping centers are

no longer a successful development model and, as such, the applicant desires to incorporate housing into the project to create a mixed-use neighborhood more consistent with the Morgan Hill 2035 General Plan and superior to the originally approved PD.

SECTION 4. There is an existing Planned Development on this property. Substantial public benefits were not required with the approval of the original PD. The incremental changes proposed by the Amendment allow housing on the site. The project will pay special attention to the connections between Phase I and II to ensure uses complement each other and there is adequate interface between uses. The project will give to the pedestrian scale of common areas and activation of the pedestrian realm. The additional activation of public spaces and connections across the property will provide benefits not only to residents of the center, but to the public as well.

SECTION 5. The site is more than adequate in size to accommodate the original regional shopping center Planned Development as well as the proposed mixed-use development that would be achievable by adding housing to the site.

SECTION 6. The site is located adjacent to Highway 101 bounded by Cochrane Road and Mission View Drive. There are wet and dry utilities and infrastructure in the surrounding area that support the development of this site.

SECTION 7. The proposed changes to the existing PD will create a mixed-use neighborhood that will be compatible with the existing and planned land use character in the area surrounding the existing center. There continues to be a significant impact under CEQA related to transportation, similar to what was approved as part of the 2005 PD and associated EIR. However, this significant impact is based on Vehicle Miles Traveled (VMT). The traffic study conducted for the General Plan based on Level of Service (LOS) demonstrated that the proposed mixed-use project would not result in any new or substantially more severe effects on intersection operations than the previously approved commercial/retail development.

SECTION 8. A Subsequent Environmental Impact Report has been prepared for this project as part of the General Plan Amendment and Zoning Amendment applications. Mitigation measures and a monitoring program will be adopted for those environmental impacts identified in the report.

SECTION 9. The required findings for a Zoning Amendment in Section 18.114.060 can be made. The Planned Development amendment will yield a mixed-use project that is consistent with General Plan City and Neighborhood Form Policies CNF-10.3, CNF-10.6, CNF-13.1 Housing Element Policy HE-4u, Economic Development Element Policy ED7.4. There is no specific plan or area plan relating to this site. The inclusion of housing and the creation of a mixed-use neighborhood will not be detrimental to the public interest, health, safety, convenience, or welfare of the city. The project site is physically suitable for the proposed changes to the existing PD and the creation of a mixed-use neighborhood will create a more integrated

community with easy access to goods and services.

SECTION 10. The required findings for a General Plan Amendment in Section 18.115.060 and for a Planned Development amendment in Section 18.30.050 H.7 can be made.

SECTION 11. Therefore, based upon the above reasons, and the record in this matter, the Planning Commission hereby recommends approval of the proposed General Plan Amendment and Planned Development Amendment as shown in Exhibit A.

SECTION 12. The approved project shall be subject to the following conditions:

a. The applicant shall comply with the mitigation measures of the certified Subsequent Environmental Impact Report, remaining mitigation measures in the 2005 Environmental Impact Report and adhere to the adopted Mitigation Monitoring and Reporting Program.

b. The project shall be subject to compliance with the PD Guidelines and Development Standards as attached in revised Exhibit A of this Resolution.

c. Individual developments within Phase 2 shall be subject to Administrative Design Review.

d. Any additional signage beyond the additional pylon side discussed within the PD Guidelines shall be added to the uniform sign program and reviewed and approved by the Development Services Director.

e. The following mitigation from the Transportation Operations Analysis prepared on December 10, 2021 shall be reviewed and implemented at the discretion of the City Engineer. Page III – "The addition of a second northbound left-turn lane on Mission View Drive and a cycle length adjustment would be necessary to improve intersection operations. The addition of the second northbound left-turn lane will require lane striping and signal modification but will fit within the existing curb-to-curb pavement width on Mission View Drive. Implementation of this improvement would improve the intersection's level of service to LOS C during both the AM and PM peak hours under Year 2030 Cumulative with both project conditions."

PASSED AND ADOPTED THIS 11th DAY OF OCTOBER, 2022, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES:	**COMMISSIONERS:**	**MUELLER, HABIB, DOWNEY, LAKE, KUMAR, WILSON**
NOES:	**COMMISSIONERS:**	**NONE**
ABSTAIN:	**COMMISSIONERS:**	**NONE**

ABSENT: COMMISSIONERS: TANDA

ATTEST:

Jenna Luna

JENNA LUNA, Deputy City Clerk

APPROVED:

Joseph Mueller
Joseph Mueller (Oct 21, 2022 15:10 PDT)

JOSEPH MUELLER, Chair

EXHIBIT A – PD Guidelines and Development Standards

MIXED USE PROJECT

COCHRANE ROAD AND HIGHWAY 101

A DINAPOLI, BROWMAN, GUGLIELMO DEVELOPMENT

PD GUIDELINES

MORGAN HILL, CA

October 2022

Location

Cochrane Commons is located at the northeast quadrant of the Cochrane Road overpass at Highway 101.

Introduction and Intent

The intent of this narrative is to describe the architectural theme and site development plans which will guide the future development of this site relative to architectural compatibility, site design, landscape features, and signage concepts. These development standards are designed to provide flexibility to allow creative freedom and diversity, which is necessary for maintaining and attracting national retail tenants and future residents to the Cochrane Commons mixed use project. This document outlines the guidelines under which all businesses and residents can synergistically coexist in a competitive market and in close proximity to Cochrane Commons Shopping Center. Except as otherwise modified and amended herein the existing and approved PUD shall remain in full force and effect, including without limitation the permitted and conditionally permitted uses as well as the original site plan.

Development Guideline Format

These PD guidelines are organized as follows:

Section 1: Allowable Uses
Section 2: Site Development Concept
Section 3: Landscape and Lighting Concepts and Guidelines
Section 4: Parking and Loading/Circulation
Section 5: Architectural Concepts and Guidelines
Section 6: Site Design Guidelines
Section 7: Utilities and Appurtenant Uses / Devices

SECTION 1: ALLOWABLE USES

All capitalized terms herein shall have the meaning set forth in the Morgan Hill Zoning Code, as adopted on June 6, 2018.

Permitted Uses:

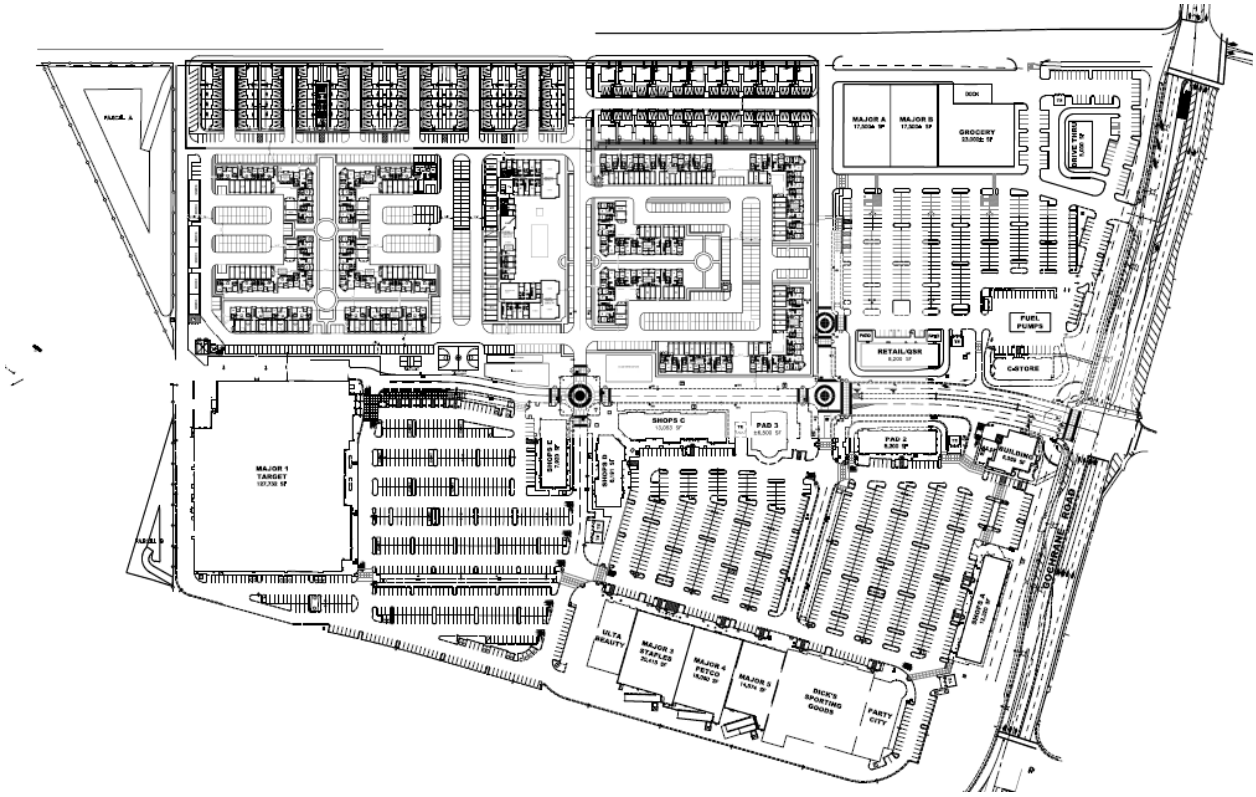
- Small, medium and big box Retail, (including, but not limited to General Retail, Convenience Markets, Home Improvement Centers, Grocery stores, Liquor Stores, Drug Stores, and/or Large Commodity Retail)
- Residential Land Uses (~~approximately~~ 8-24 dwelling units per acre), rentals or for sale (including, but not limited to, Duplexes, Triplexes, Group Housing, Live/Work Units, Mixed Use Residential, Multi-Family Dwellings, Single-Family Dwellings, Single-Family Attached Dwellings, and/or Single Family Detached Dwellings)
- ~~Lodging Facilities, only full service or boutique hotel lodging allowed~~
- ~~Nursing Homes, Long-Term Care, Residential Care Facilities, and/or~~ Residential Care Facilities, Small
- Day Care Centers and/or Home Day Care
- Colleges and Trade Schools, Community Assembly, Cultural Institutions, Instructional Services, Schools
- Eating and Drinking Uses (including, but not limited to, Restaurants, Fast Food Restaurants, Sit-Down, quick service, fast casual, café, market hall, cafeteria style, drive in and full service)
- Up to five (5) Drive-Through Facilities. Drive-Through Facilities in addition to those permitted above, shall be permitted within the shopping center with the approval of a conditional use permit.
- Commercial Recreation (including indoor health clubs and group fitness facilities), Cinemas and Theaters, Parks and Recreational Facilities, ~~Bars and Nightclubs, Tasting Rooms,~~ Plant Nurseries~~, Breweries, Beer Gardens~~
- Pop-up shops, food trucks and/or temporary food kiosks (day or night)
- Farmers Market
- Indoor Animal Boarding
- Professional Offices, Medical Offices and Clinics, Banks and Financial Institutions, Veterinarian Clinics and Hospitals, Government Offices, Service Commercial Uses, Business Support Services, and/or co-working spaces
- Personal Services, Social Services, and/or Public Safety Facilities
- ~~Fuel and Service Stations, Vehicle Rentals, Vehicle Sales and Leasing, Vehicle Washing~~ Vehicle Rental and Vehicle Showroom~~-~~
- Parking Lots and Structures
- Recycling Facilities in conjunction with or required as a part of an allowed use
- ~~Vehicle Repair and Maintenance, Minor (such as a tire shop, oil changer, car audio shop, or other similar auto oriented uses)~~
- Wireless Communication Facilities
- Urban Agriculture
- Wholesaling
- Warehousing, storage, and distribution, as a part of a retail or otherwise allowed use including curbside and in store pick-up services, return and delivery services
- Ecommerce Fulfillment Services business as part of a retail or other allowable use;
- ~~Any other use that is supportive of Retail~~
- Any other use listed as a permitted use in the original Project PUD approvals, in the GC, General Commercial District in the Morgan Hill Municipal Code, or Mixed-Use Flex designation in the General Plan

Conditional:

- Any Drive-Through and Drive-In Facilities that is proposed beyond the five (5) that are permitted above shall require a conditional use permit.
- A maximum of one (1) of each: Fuel and Service Stations, Vehicle Washing, and Convenience Markets, unless such use is a part of a Retail tenant located or to be located in the Shopping Center in which case more than one of each of the foregoing shall be permitted.
- ~~Vehicle Repair and Maintenance, Major~~
- Nursing Homes, Long-Term Care, Residential Care Facilities, and/or
- Lodging Facilities, only full service or boutique hotel lodging allowed
- Bars and Nightclubs, Tasting Rooms, Breweries, Beer Gardens
- Fuel and Service Stations, Vehicle Sales and Leasing, Vehicle Washing
- Vehicle Repair and Maintenance, Minor (such as a tire shop, oil changer, car audio shop, or other similar auto oriented uses)

SECTION 2: SITE DEVELOPMENT CONCEPT: Notwithstanding anything contained herein to the contrary, the original Site Development Concept in Section 2 of Ordinance No. 1746 dated December 8, 2005 ("First PD") shall continue in full force and effect, except as added or modified herein.

1. The mixed use site development plan consists of multiple retail areas and residential areas, with vehicular roadways bisecting the site N/S from Cochrane Road at De Paul Drive and E/W from Mission View Drive.
2. Building setbacks along Cochrane Road shall be an average of 25 ft; along Mission View an average of ~~10~~ 15 feet,(with all setback distances measured from the property line); however, encroachments into the setback area are permissible to accommodate the architectural and functional needs of the development as long as the overall average is maintained. Building setbacks along rear or side yard property lines adjacent to property not a part of the PD shall be an average of 10'. For all property within the Project that is subject to the PD there shall be no minimum building setback requirements required between buildings or other improvements, uses, or properties within the Project boundaries.
3. The First PD site plan, and the Site Plan and elevations submitted with the PD Application adopted in Ordinance No. 1746 dated December 8, 2005 shall not require further review or approval.
4. The project site plan and project design elevations shall be subject to ~~Staff Level~~ Administrative Design Review. ~~and reviewed and approved by City Staff to determined that the project is consistent with or in substantial conformance with the content or intent of this PD.~~



Project Site Plan

SECTION 3: LANDSCAPE AND LIGHTING CONCEPTS AND GUIDELINES

Landscape

5. Project landscaping shall be substantially consistent with the Project Site Plan and attached general landscape plan submitted as part of the Amended PD, but will require Administrative Design Review~~further Staff Review review at building permit plan review for consistency with local and state watering and irrigation standards~~. All street trees and trees planted within the front setback areas shall be a minimum 15 gallon size. Except as permitted under the approved PD Amendment or otherwise shown on approved Project landscape drawings, and except for landscaping adjacent to buildings, all landscape areas shall comply with city code.
6. The general characteristics of the plant palette for the Project shall be a combination of year-round color and textural interest. Plants shall be selected on the basis of color combinations complementary to the existing architectural theme, growing patterns, low maintenance and water conservation characteristics.
7. An average 20 foot wide landscape strip (excluding sections of hardscape elements such as driveways or sidewalks) shall be provided along Cochrane road, and a~~n average~~ 15~~0~~ foot wide landscape strip (excluding sections of hardscape elements such as driveways or sidewalks) shall be provided along Mission View Drive. Encroachments into all landscape setbacks shall be permissible to accommodate the architectural and functional needs of the development as long as the remaining landscaped areas maintains the overall average or a substantial portion of the landscape strip equals or exceeds 15~~0~~ foot requirement. Acceptable mitigation for such encroachments shall include, without limitation: additional landscape planting, an earthen

berm, or screen walls. Berms shall be an average height of 3 feet with a minimum height of 1.5 feet, and shall undulate where possible to be aesthetically pleasing. Except as provided herein, the design of the landscaping strip referred to above shall substantially conform to the Landscape Plan submitted as part of the PD Master Plan.

8. Canopy-providing trees shall be planted in the parking lot planter islands to produce shade.
9. The main project entrance at DePaul Drive shall be well landscaped and serve as a focal point, and may include attractive landscape walls, project signage, and other features.
10. Shrubs or vine planting shall be provided to screen utilities and trash enclosures.
11. The main parking field and/or any parking structure shall be screened from view of public streets by use of berming and/or bushes of a minimum of 3 feet effective height (18 months after planting), as measured from the top of the nearest street curb.
12. Where possible, landscaping shall be used to soften the appearance of fences and walls and front elevations of large scale retail buildings which lack fenestration or other architectural detailing.
13. All service areas fronting on public streets shall be screened by landscaping, berms, screens, and/or walls, substantially consistent with the colors and materials shown in the 'colors and materials pallet' packet on file in the Development Services Center.
14. Special paving or materials such as integral color concrete or asphalt, pavers, and/or scored concrete paving shall be provided at key on-site intersections. Pedestrian walkways shall be provided connecting groupings of retail structures to other retail areas, mixed use areas, and/or residential areas, and to parking areas. Walkways which cross traffic lanes shall have special markings such as integral colored concrete, scored or raised concrete, colored paving, special striping, and/or paving stones.

Landscape Site Plan

Lighting

15. Any decorative lighting on the pedestrian pathways parallel to the main driveway from Cochrane Road shall be reduced in height and scale, to create a more human-scale feeling and atmosphere.
16. The design of the exterior retail building lighting shall be compatible with the existing architectural style of the project. The design of the exterior residential and/or mixed use building lighting shall be complementary with the existing architectural style of the project, and/or provide an architectural transition to the adjacent residential projects.
17. The main parking lot lighting fixtures shall be consistent throughout the project, provided, however the mixed use and/or residential portions of the project shall complement the other portions of the project and will help identify neighborhoods within the project. The maximum pole height (including the base) shall be 33 feet except that lighting poles along Mission View project edge and the Cochrane Road project edge shall be limited to a maximum height (excluding the base) of 15 feet. Further conditions regarding residentially zoned properties are imposed under guideline #18 below.
18. All lighting shall be shielded and directed in such a manner so as not to directly cast light on neighboring residentially zoned properties outside the Project. The Applicant shall pay special attention to ensure that there is no unacceptable spillage of light outside the applicable boundaries of the project. Prior to issuance of site construction permits, Applicant shall provide a photometric plan evidencing conformance of the lighting plan to these guidelines.

SECTION 4: PARKING AND LOADING/CIRCULATION

19. The main parking field shall be screened from public view on Cochrane Road primarily through constructed buildings, the use of berming and/or hedge row plantings, shrubs, trees or any combination thereof, in a manner substantially consistent with the project Landscape Plan.
20. 90 degree parking, angled parking, compact parking, RV parking, parallel parking, one-way drive aisles, and round-abouts shall be permitted.
21. Parking areas shall be designed to include provision for pedestrian walkways for access to building entrances. Walkways which cross traffic lanes shall have special markings such as integral color concrete, scored or raised concrete, colored paving, special striping and/or paving stones. Walkway strips shall be intermittently provided through landscaped areas to protect landscaping from foot traffic damage.
22. In order to facilitate on-site traffic flow and vehicle and pedestrian safety, parking stalls shall not be located directly adjacent to the front of a retail anchor tenant occupying a ground floor area that is 100,000 square feet or larger (i.e. Major 1 (Target) as shown on the PD Master Plan).
23. Reciprocal access and shared parking between properties shall be permitted and used, whenever possible, and for purposes of calculating parking ratios residential portions of the project shall be allowed to share parking stalls from the retail portion of the project in meeting the guest stall parking requirements. Given the benefits of the walkable and mixed-use nature of the project the Residential portion of the Project shall be permitted to receive an overall reduction in its parking requirements by up to 15% off the total parking required for the residential portion of the Project.
24. Cross access easements shall be provided throughout the project.
25. Shared access easements and driveways shall be provided.

26. Drive aisles shall allow for circulation within the project, with sufficient width for emergency vehicles.
27. Provisions for connecting driveways and walkways between adjacent properties within the project are encouraged.
28. Emergency vehicle access shall be provided throughout the project.
29. Loading areas and docks shall be screened from view along Mission View Drive by landscaping or a screening structure. Screen walls or other screening structures shall be architecturally treated, and may be constructed with metal, concrete, concrete block, wood or a combination thereof (see attached exhibit for an example of acceptable screening). Alternatively, screening along the northern property may be compromised of dense evergreen plantings, or other similar screenings.
30. All truck deliveries between the hours of 10pm to 6am shall enter and exit through the DePaul Drive project driveway (main vehicular entry from Cochrane Road).
31. Parking required for the development shall meet the requirements set forth in this PD Amendment. The project shall benefit from and received credit for shared parking throughout the project and among a mix of uses.

SECTION 5: ARCHITECTURAL CONCEPTS AND GUIDELINES

32. The architectural concept shall create a campus of mixed use residential and commercial structures which vary in character, massing, materials, and colors but remaining complementary to the existing theme of the PD Master Plan. Each structure shall be complementary to the existing architectural theme or most directly adjacent structure, but may maintain its own uniqueness prioritizing thoughtful transitions from differing styles within the project and the context of the neighborhood. Building facades may contain design features and variances in scale to create interest in character. The design of entertainment uses may be enhanced by featured elements which may include some or all of the following: neon, tower, marquee, theater lights and statement lobby glazing. The development shall include tower and/or entry features, bold cornices, and varying facades, and a variety of materials, colors and storefronts. Awnings, light sconces, site lighting, and/or street furniture shall be situated at appropriate locations as determined by Applicant to enhance the pedestrian and/or human scale feel of the project.
33. No residential building or lodging use shall exceed 68 feet in height to the top of the parapet except that tower and accent features of buildings may exceed such height limitations as long as (i) the scale and design of such features are complementary to the existing architectural design of the project; (ii) such exceptions affects no more than 25% of the applicable building; (iii) such features shall not exceed 75 feet at the highest point. Notwithstanding the above, no building sharing a frontage with Mission View shall exceed ~~3~~2 stories in height, excluding roof decks or other outdoor space which in this case shall not be included in the total number of building stories.
34. Rooflines may be flat and/or provide variation in height, cascading rooflines, or a combination of the above, which shall be complementary to the existing architectural theme established for the development.
35. Large, continuous structures shall incorporate breaks in horizontal planes by varying architectural features and designs and recessing windows and entrances, to provide substance and scale.

36. Windows shall be enhanced by use of various sizes and shapes, and highlighted by the use of accent trim (e.g. molding, pop-out or wood trim). The design shall be complementary to the architectural style of the project.
37. Architectural treatment shall be applied to the front façade of all building elevations consistent with the below design elevation concepts and complementary to the existing retail development and surrounding residential neighborhoods; complementary architectural treatment shall also be applied to other areas of any building clearly visible from any public street. Final building designs shall be a staff level design review approval.
38. Building design shall be compatible with the immediate adjacent building and provide harmonious transition between various uses.
39. Gutters and downspouts shall be made of quality materials and treated to blend into the façade to which it is attached, unless as a design element, in which case the color shall be consistent with the color schemes of the building.
40. No mechanical equipment shall be exposed on the wall surface of any building.
41. All roof-mounted mechanical equipment or ductwork which project vertically above the roof or parapet shall be screened consistently with the building design.
42. Any outdoor storage of goods, materials or equipment (e.g. garden center, lumber yard) shall be located within an enclosed area. The fencing and/or screening enclosing such area shall be complementary to the existing architectural theme of the PD Master Plan and designed in a manner complementary to the building design and site layout. Chain link fencing with wood inserts is not an acceptable manner of screening.
43. Fences and walls shall be designed to be compatible with the surrounding landscape and architectural style of the PD.
44. Trash enclosures shall be constructed of solid material, and shall be a minimum of six feet in height, with solid view obstructing gates. Reasonable efforts shall be made to screen trash enclosures or locate them in inconspicuous locations.

3 Story Multi-Family

4 Story Multi-Family

Retail

Bungalows

Townhomes

Townhomes

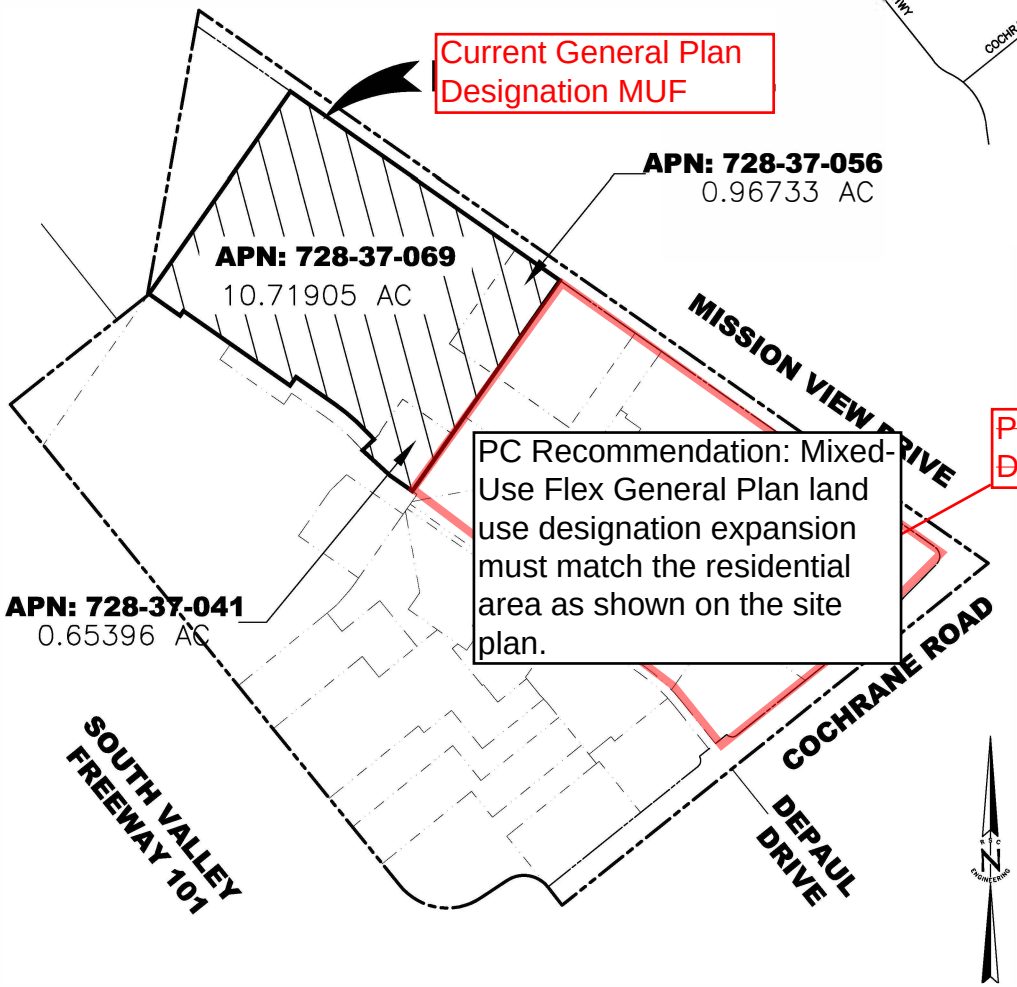
SECTION 6: SIGN DESIGN GUIDELINES

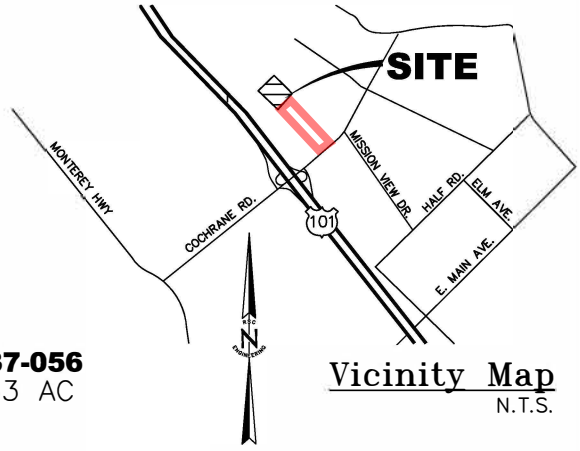
45. This PD shall permit two (2) pylon sign structures along Highway 101 near the north end of the site and one pylon structure along Highway 101 near Cochrane Road consistent with the original PD application (8/22/05), subject, if necessary, to approval by the SCVWD. The two pylon signs near the north end of the site shall be a maximum height of 68 ft, as measured to the top of the horizontal cornice. The pylon sign near Cochrane Road shall be a maximum height of 50 ft, as measured at the top of the horizontal cornice. Decorative architectural features may extend above the 68 ft and 50 ft height limits as depicted on the sign elevations date stamped October 27, 2005, on file at the Community Development Department. This PD shall also permit one monument sign structure consistent with the original PD application (8/22/05) at the intersection of Cochrane Road and Mission View Drive. This monument sign shall be a maximum overall height of 20 feet, and shall not be illuminated in the evenings after 10pm. In addition, this PD shall permit directional signage, other residential project signage, landscape wall signs including but not limited to landscape wall signs along Cochrane and Mission View, and other signage consistent with a leasing office.
46. Except as permitted above, the uniform sign program for the Project shall control the signage requirements and placement of signs within the project. The uniform sign program shall be applicable to all buildings and uses within the PD. Tenant identification signs and “now leasing” signs will be allowed on the sides of the buildings that are visible to Highway 101. Signs, Banners and posters shall be permitted and must be of a high quality with character, and ambiance complementary to the existing architectural theme and the standards of the PD Master Plan. Address numbers shall contrast with their background and shall be a minimum of six inches in height.

47. Poster boards containing retail displays (including advertising), for sale/for rent signs incorporating an artistic component or displaying information of community interest shall be permitted.

SECTION 7: UTILITIES AND APPURTENANT USES / DEVICES

48. Easements for the installation and maintenance of utilities, walkways, roads, shared driveways, parking and drainage facilities shall be recorded as part of any subdivision map or lot line adjustment.
49. Detention ponds and/or bioswales may be located within any setback area or outside a setback area.
50. Utility equipment may be located with landscaped or setback areas provided they are located as far from the street frontage as feasibly possible, and adequately screened and/or landscaped to limit the visibility of such equipment.
51. Uses within the PD that utilize shopping carts shall provide indoor or outdoor screened storage of the carts and shall provide for architecturally treated collection areas throughout the parking lots.
52. Vending machines, bike and/or scooter racks, rideshare pick up areas, solar panel installations, newspaper racks, coin operated devices, electric vehicle parking and/or charging stations or other similar devices may be placed on the exterior and/or walkway and/or parking lot or garage adjacent to proposed buildings, provided the area in which the device is located is neat, attractive, attractive or otherwise architecturally treated or landscaped. Once installed, such devices and locations shall be maintained in a high quality manner.





Vicinity Map
N.T.S.

APN	EXISTING GP LAND USE DESIGNATION	PROPOSED GP LAND USE DESIGNATION
728-37-069	COMMERCIAL	MULTI-FAMILY (MED/HIGH) RESIDENTIAL
728-37-056	COMMERCIAL	MULTI-FAMILY (MED/HIGH) RESIDENTIAL
728-37-041	COMMERCIAL	MULTI-FAMILY (MED/HIGH) RESIDENTIAL

LEGEND:

AREA TO BE DESIGNATED MULTI-FAMILY (MED/HIGH)

EXHIBIT "A"
PROPOSED GENERAL PLAN AMENDMENT
FOR
APN 728-37-069, 728-37-056
AND 728-37-041
COCHRANE COMMONS SHOPPING CENTER
MORGAN HILL, CA

RSC ENGINEERING
2250 Douglas Blvd. Suite 150
Roseville, CA 95661
Ph: 916.788.2884 Fax: 916.788.4408

PROJECT NO.: 019-025
SCALE: 1"=500'
DATE: 06/17/14

Resolution No. 22-19 ZA GP (Cochrane Commons)

Final Audit Report 2022-10-21

Created:	2022-10-20
By:	Jenna Luna (jenna.luna@morganhill.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAQ4fo-bCe8k6mgE3o-hngup2Iag7lZi9e

"Resolution No. 22-19 ZA GP (Cochrane Commons)" History

Document created by Jenna Luna (jenna.luna@morganhill.ca.gov)
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Document emailed to joseph.mueller@morganhill.ca.gov for signature
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RESOLUTION NO. 22-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL SUSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE COCHRANE COMMONS PHASE 2 PROJECT AS CONSISTENT WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING ENVIRONMENTAL IMPACTS AND A RELATED MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, an Environmental Impact Report (EIR) (SCH Number 2022060200) was prepared for the Cochrane Commons Phase 2 Project in accordance with the California Environmental Quality Act (CEQA). A Notice of Preparation (NOP) was circulated between December 3, 2021 and January 3, 2022 to receive comments regarding the scope and content of the SEIR. A public scoping meeting was held on December 16, 2021 to receive oral comments on the NOP. The Draft SEIR was circulated between June 10, 2022 and July 25, 2022; and

WHEREAS, the City of Morgan Hill received comments on the Draft SEIR by seven individuals / organizations. Responses to those comments and minor changes to the Draft SEIR were included in a Final SEIR document in accordance with the requirements of CEQA; and

WHEREAS, the information contained in the Final SEIR, consisting of the Draft SEIR document in combination with the Final SEIR document, was reviewed and considered by the Planning Commission at a duly-noticed Planning Commission public hearing held on October 11, 2022; and the Planning Commission took action to recommend to the City Council that the Final SEIR be certified as being found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act; and

WHEREAS, the Environmental Impact Report concluded that implementation of the Project could result in one significant effect on the environment and identified mitigation measures that would reduce some but not all of those significant effects to a less-than significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an Environmental Impact Report that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environmental effects to a less-than-significant level and/or adopt a Findings of Fact and Statement of Overriding Considerations; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment,

CEQA also requires a lead agency to adopt a mitigation monitoring and reporting program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of Morgan Hill as lead agency for the Project (the "Mitigation Monitoring and Reporting Program"); and

WHEREAS, the City of Morgan Hill is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the Subsequent Environmental Impact Report and the related Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Subsequent Environmental Impact Report, incorporating any Addenda, and related Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Project are on file in the Development Services Department located at 17575 Peak Avenue, Morgan Hill, California, 95037, and are available for inspection by any interested person at that location.

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

SECTION 1 : FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COCHRANE COMMONS PHASE 2 PROJECT: The Planning Commission hereby recommends that the City Council find, determine and declare the findings and facts and statement of overriding considerations as set forth in the attached Exhibit "A" by this reference incorporated herein.

SECTION 2: CERTIFICATION OF FINAL EIR: The Planning Commission recommends that the City Council hereby certify that the Final SEIR has been completed in compliance with CEQA

PASSED AND ADOPTED THIS 11th DAY OF OCTOBER 2022, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES:	**COMMISSIONERS:**	**MUELLER, HABIB, DOWNEY, LAKE, KUMAR, WILSON**
NOES:	**COMMISSIONERS:**	**NONE**
ABSTAIN:	**COMMISSIONERS:**	**NONE**

ABSENT: COMMISSIONERS: TANDA

ATTEST:

Jenna Luna

JENNA LUNA, Deputy City Clerk

APPROVED:

Joseph Mueller
Joseph Mueller (Oct 20, 2022 09:49 PDT)

JOSEPH MUELLER, Chair

EXHIBIT "A"

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COCHRANE COMMONS PHASE 2 PROJECT (State Clearinghouse No. 2004112060)

The following Findings, the mitigation measures specified herein, and the Mitigation Monitoring and Reporting Program attached hereto are hereby adopted by the Morgan Hill City Council in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21081, 21081.5 and 21081.6, and the CEQA Guidelines, Title 14, California Code of Regulations, Sections 15091 and 15092 for the Cochrane Commons Phase II Project (project).

Section 15091 of the CEQA Guidelines states that:

a. *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*

   (1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

   (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

   (3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the

environment. The CEQA Guidelines state in section 15093 that:

> *"If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable."*

A. ENVIRONMENTAL REVIEW PROCESS

The Subsequent Environmental Impact Report (SEIR) prepared by the City of Morgan Hill (City) for the Cochrane Commons Phase II Project (project) consists of the Draft Subsequent EIR (Draft SEIR) and the Final SEIR / Response to Comments on the Draft SEIR. It was prepared as a SEIR to the Cochrane Road Planned Unit Development Project 2005 EIR (2005 EIR, State Clearinghouse Number 2004112060). The project analyzed under the 2005 EIR included 590,100 square feet of retail space, a 12-pump gas station, and a 63,200-square-foot movie theatre in the same location as the project, which would have been built out in two phases. The 2005 EIR covered both Phase I and Phase II of project construction. Construction of Phase I of the project was completed in 2007.

The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The Phase II project would consist of 498 residential units, consisting of a mix of townhomes and apartments, 135,000 square feet of retail space, and a 140-room hotel. Residential and hotel uses were not considered under the 2005 EIR. The General Plan land use designation would be amended from Commercial to Mixed Use Flex and the zoning from Highway Commercial/Planned Unit Development to Mixed Use Flex/Planned Development for the Phase II development area.

On December 3, 2021, the City of Morgan Hill circulated a Notice of Preparation (NOP) for a 30-day comment period to request input on the types of impacts that could result from the proposed project. The Draft SEIR was made available for public review for a 45-day comment period that began on June 10, 2022 and ended on July 25, 2022. The Notice of Availability of a Draft SEIR was posted with the Santa Clara County Clerk, sent to the State Clearinghouse, published on the City's website, and mailed to responsible agencies. The City also held a virtual community open house as an opportunity for the public to submit verbal comments on the SEIR at 7:00 p.m. on July 13, 2022. The City of Morgan Hill received a total of seven written comment letters during the public comment period.

The City released the Final SEIR for public review on September 30, 2022. The Final SEIR consists of copies of all comments received on the Draft SEIR, a list of commenters, all responses to comments, and proposed amendments to the SEIR. The Final SEIR, Draft SEIR, and Mitigation Monitoring and Reporting Program (MMRP) together comprise the SEIR for the project. The analysis and conclusions contained in the SEIR

reflect the independent judgment of the City.

B. PROJECT DESCRIPTION

Section 2 of the Draft SEIR includes a detailed description of the project. Other than minor clarifications, no revisions to the project description were required.

The 33.5-acre project site is located at the southwest corner of Mission View Drive and Cochrane Road in the City of Morgan Hill. The project would involve construction of Phase II of the Cochrane Commons development on the undeveloped site adjacent to the completed Phase I. The Phase II project currently proposed is different from the originally proposed Phase II that was analyzed in the 2005 EIR. The project would consist of 498 residential units, consisting of a mix of homes, townhomes, condos, and apartments; 135,000 square feet of retail space; a 140-room hotel; and amending the zoning and General Plan designation to MUF for the Phase II development area. The residential uses would be located in the northern and middle portion of the project site and the hotel and commercial retail would be located in the southern portion. The project would also provide various on-site amenities for residents. A courtyard with outdoor open space would be provided near the proposed apartment units. A clubhouse, recreation hall, swimming pool would also be provided for on-site residents.

There would be a total of 1,367 parking spaces. During Phase I, the project would include 276 parking stalls. During Phase 2, 658 stalls would be added and during Phase 3, 433 stalls would be added. Vehicles would access the project site primarily from De Paul Drive, which would have two driveways leading to two central roadways which would connect to two driveways off Mission View Drive. An additional driveway would be located off of Cochrane Road which would allow right-in and right-out vehicle movements. The project site has been previously graded and would be further modified by additional grading. The storm drain system design would incorporate City standards for pipe sizes, maximum slopes, minimum flow velocities, and pipe material, and drainage would be to the planned detention pond and pumped to the adjacent Cochrane Channel at discharge rates at or below pre-development levels.

The project objectives are to:

- Increase the viability of the existing Cochrane Commons anchors and tenants
- Create a vibrant and exciting place for the residents of Morgan Hill to live, work, and shop all in one place
- Assist in protecting the tax revenue generated by the current and future tenants and the long-term viability of the City of Morgan Hill's retailers
- Provide much needed variety to the City's housing stock in the form of market rate and below market rate affordable housing
- Encourage the development of the remainder of the shopping center

The proposed project would require the following approvals:

- **Certification of a Subsequent EIR.** Certify the Cochrane Commons Phase II SEIR and make environmental findings pursuant to CEQA.

- **Amendment to Zoning and General Plan Designation.** Adopt an amendment to the zoning map and General Plan land use map to convert the Phase II development area to MUF.

C. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS AND DISPOSITION OF RELATED MITIGATION MEASURES

The following findings are hereby made by the City of Morgan Hill City Council for the significant environmental effects identified in the SEIR and Initial Study related to transportation (impacts related to VMT) and agriculture and forestry resources (impacts related to conversion of Important Farmland). The Final SEIR identified the following impact associated with the project that would be significant and unavoidable:

SEIR

1. **Transportation Impact TRA-2:** The project would exceed the applicable significance threshold for VMT. Mitigation Measure TRA-1 would reduce residential VMT per capita, but not below the per capita threshold of significance. Impacts would be significant and unavoidable.

   Mitigation Measure TRA-1: VMT Reductions. The applicant shall develop and implement Transportation Demand Management (TDM) plan that is aimed at achieving a reduction in residential vehicle trips to and from the site. The TDM plan will need to be prepared by a qualified traffic consultant and in coordination with the City of Morgan Hill Development Services Director or Designee. The TDM plan shall quantify the reduction in VMT. The TDM plan may include, but shall not be limited to, the following elements described below:

   - School Pool Programs: Organize a program that matches families in carpools for school pick-up and drop-off of all households from the project. Organizing a school pool program helps match parents who transport students to schools without a busing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families in the development. School pools reduce the total number of vehicle trips traveling to and from schools, thereby reducing VMT.
   - Voluntary Travel Behavior Change Programs. Provide a program that targets individual attitudes towards travel and providing tools for individuals to analyze and alter their travel behavior with 100% expected resident participation. These programs include mass communication campaigns and travel feedback programs, such as travel diaries or feedback on calories burned from activities and travel. This strategy encourages the use of shared ride modes, transit, walking, and biking, thereby reducing VMT.

Finding: Even with incorporation of Mitigation Measure TRA-1, VMT per capita would not be reduced by 27 percent, which is the percent needed to reduce the VMT per capita below the threshold. There are no feasible mitigation measures or combination of measures that would reduce the overall project VMT per capita by 27 percent. Therefore, the impact would remain significant and unavoidable.

Impacts related to transportation have been mitigated to the extent feasible. The City of Morgan Hill finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in Section K, *Statement of Overriding Considerations.*

INITIAL STUDY

1. Agriculture and Forestry Impact A: Impacts to Agricultural Resources were analyzed in Section 3.2 of the 2005 EIR. The 2005 EIR concluded that the project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, which would result in significant and unavoidable impacts. The impacts of the proposed project would be the same as those analyzed in the 2005 EIR.

2. Agriculture and Forestry Impact E: Impacts to Agricultural Resources were analyzed in Section 3.2 of the 2005 EIR. The 2005 EIR concluded that the project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, which would result in significant and unavoidable impacts. The impacts of the proposed project would be the same as those analyzed in the 2005 EIR.

Finding: The project would result in the conversion of Farmland to non-agricultural use, which would result in significant and unavoidable impacts. The 2005 EIR found that there are no feasible mitigation measures available to reduce the impact of agricultural land conversion to a less than significant impact. The City of Morgan Hill finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in Section K, *Statement of Overriding Considerations.*

For a detailed description of impacts and mitigation measures, see the appropriate text in the Final SEIR.

D. SIGNIFICANT IMPACTS IDENTIFIED IN THE INITIAL STUDY OR SEIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES INCORPORATED INTO THE PROJECT

The following findings are hereby made by the City of Morgan Hill City Council for the significant environmental effects identified in the SEIR and Initial Study that would be reduced to a less than significant level through incorporation of mitigation measures. The City finds for each of the significant or potentially significant impacts identified in this section that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the SEIR and Initial Study and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the mitigation measures

will effectively make the mitigation measures part of the project. In addition, compliance with City and other applicable regulations will further reduce project impacts. Therefore, the City finds that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the SEIR and Initial Study.

SEIR

The Final SEIR identified several impacts associated with the project that would be reduced to a level of less than significant with the implementation of mitigation measures identified in the Final SEIR:

1. Transportation Impact TRA-4: The project could result in inadequate emergency access to the project site. This impact would be less than significant with adherence to Mitigation Measure TRA-2.

2. Tribal Cultural Resources Impact TCR-1: The project has the potential to uncover buried tribal cultural resources during ground disturbing activities. Should project construction activities encounter a tribal cultural resource, Mitigation Measure TCR-1 would ensure that potential impacts to tribal cultural resources would be less than significant.

INITIAL STUDY

3. Aesthetics Impact D: Lighting impacts from the proposed project as potentially significant because of its potential adverse effects to night sky visibility and the Lick Observatory on Mount Hamilton. Potentially significant impacts would be reduced to a less than significant level with the implementation of Mitigation Measure 3.1-1 from the 2005 EIR.

4. Air Quality Impact B: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard. BAAQMD recommends the implementation of best management practices (BMP) to reduce fugitive dust emissions. Adherence to the dust control measures listed in Mitigation Measure 3.3-2 of the 2005 EIR would reduce impacts to less-than-significant levels.

5. Biological Resources Impact A: The project would impact potentially candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measures Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2, and 3.4-3 from the 2005 EIR.

6. Biological Resources Impact D: The project site is located in an urbanized area of Morgan Hill and lacks natural habitats or riparian corridors and does not connect habitat or open space areas. With Mitigation Measures 3.3-1 through 3.3-3 and 3.4-

1a through 3.4-3 incorporated, the project would not interfere substantially with wildlife movement, and this impact would be less than significant.

7. Biological Resources Impact E: The project site currently does not have any existing trees that would be removed by the proposed project. The project would comply with existing regulations, avoidance measures, and mitigation fees in the HCP and Burrowing Owl Mitigation Plan. The project would not conflict with any local policies or ordinances, and impacts would be less than significant with implementation of mitigation measures.

8. Biological Resources Impact F: The project site is located in an urbanized area of Morgan Hill and would be required to comply with Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2, and 3.4-3, and applicable mitigation fees and mitigation measures that are identified in Chapter 6 of the HCP.

9. Cultural Resources Impact A-C: The project site does not contain known historic resources, archaeological resources, or human remains. Nonetheless, project ground-disturbing activities have the potential to impact unrecorded cultural resources. Potentially significant impacts would be reduced to a less than significant level with implementation of Mitigation Measures 3.5-1a and 3.5-1b from the 2005 EIR.

10. Geology and Soils Impact A1-A4: With implementation of the mitigation measures described below, the project site would be considered suitable for development provided that the recommendations contained in a geotechnical investigation conducted by Twining Laboratories in 2004 are implemented. Furthermore, the project would be required to comply with California Building Code requirements and 2005 EIR Mitigation Measure 3.6-1 which would reduce impacts to less than significant. Subsurface conditions on the project site and depth to groundwater across the site would indicate that there is some potential for liquefaction at the site. Therefore, the 2005 EIR requires implementation of Mitigation Measure 3.6-2 to reduce impacts to a less-than-significant level. Settlements would exceed the tolerances for conventional shallow spread foundations and slabs on grade planned for the project. The 2005 EIR required implementation of Mitigation Measure 3.6-3 to reduce this impact to less than significant.

11. Geology and Soils Impacts C-D: Settlements would exceed the tolerances for conventional shallow spread foundations and slabs on grade planned for the project. The 2005 EIR required implementation of Mitigation Measure 3.6-3 to reduce this impact to less than significant. Due to the compressible nature of the near surface soils, they would not provide adequate support for the proposed improvements in their existing condition. The 2005 EIR further required implementation of Mitigation Measure 3.6-4 to reduce this impact to a less-than-significant level. The 2005 EIR found that there is a less-than-significant impact from unstable soils or geologic units and expansive soils, as development standards and compliance with Mitigation Measures 3.6-5 through 3.6-7, the Morgan Hill Building Code, and California Building

Code would ensure structures are constructed to accommodate unstable or expansive soil units.

12. Geology and Soils Impact F: No paleontological resources have been explicitly found in the City, but project construction has the potential to result in inadvertently uncovering unique resources during ground-disturbing activities. Implementation of Mitigation Measure 3.5-1a would reduce impacts to unique paleontological resources to less than significant.

13. Hydrology and Water Quality Impact D: The Anderson Dam has been identified to have seismic safety concerns and is currently undergoing a capital earthquake retrofit to improve dam safety and to return the Anderson Reservoir to its original storage capacity. Flood hazard risk at the project is therefore slightly higher than the risk originally identified in the 2005 EIR. Tsunami, and seiche risk remain the same as when analyzed in the 2005 EIR. The impact would therefore be the same as for the previous project, mitigation measures 3.8-1 through 3.8-3 would apply, and the issue was addressed adequately in the 2005 EIR. Mitigation measures included in the 2005 EIR require an emergency evacuation plan, which would apply to the proposed project.

14. Public Services Impact A1-A2: The proposed project is located in an urbanized area already served by the MHPD and is generally similar to the surrounding uses and would not substantially increase demand on local police services. The proposed project would be required to implement Mitigation Measure 3.11-1 from the 2005 EIR to reduce impacts to less-than-significant levels.

15. Utilities and Service Systems Impacts D-E: There is adequate capacity available to serve the project. Mitigation Measure 3.13-1 from the 2005 EIR would increase the solid waste diversion of project-generated waste.

E. <u>LESS THAN SIGNIFICANT IMPACTS IDENTIFIED IN THE SEIR OR INITIAL STUDY</u>

The following findings are hereby made by the City of Morgan Hill City Council regarding issue areas with no impact on the environment. The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are not significant or are less than significant. The SEIR and Initial Study provide a detailed analysis of the less-than-significant impacts of the proposed project for all issue areas below.

SEIR

1. Greenhouse Gas Emissions Impact GHG-1: The project would generate temporary and long-term increases in GHG emissions, but such emissions would remain below the adjusted efficiency threshold intended to demonstrate consistency with the 2030 statewide GHG reduction target.

2. Transportation Impact TRA-1: The project would not conflict with applicable policies

addressing transit, bicycle, and pedestrian facilities.

3. Transportation Impact TRA-3: The project would not introduce design features or incompatible uses that could increase traffic hazards.

INITIAL STUDY

1. Aesthetics Impact A: The proposed project site is not on a hillside, the project would not conflict with City goals and policies regarding hillside preservation in the City's 2035 General Plan. Furthermore, the project would comply with height regulations established in the Zoning Code. The proposed project would not have a significant impact on scenic vistas.

2. Aesthetics Impact C: The project would not substantially degrade the existing visual character or quality of the site and its surroundings.

3. Air Quality Impact A: The project would not conflict with or obstruct implementation of the applicable air quality plan.

4. Air Quality Impact C: The project would not expose sensitive receptors to substantial pollutant concentration.

5. Air Quality Impact D: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

6. Energy Impact A: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

7. Energy Impact B: The project would result in no impact to state and local plans for renewable energy or energy efficiency.

8. Geology and Soils Impact B: With compliance with existing regulations, substantial erosion during construction would not occur.

9. Geology and Soils Impact E: The project would be serviced by wastewater collection and treatment systems, and no septic tanks or alternative wastewater disposal systems would be installed, which would be the same for the modified project.

10. Hazards and Hazardous Materials Impact A: The proposed project would include residential and commercial retail land uses, which typically do not use or store large quantities of hazardous materials.

11. Hazards and Hazardous Materials Impact B: No known changes in the conditions of the soils or groundwater at the site have occurred since 2005, and the proposed development would not include activities that use or store more hazardous materials than the Phase II project analyzed in the 2005 EIR.

12. Hazards and Hazardous Materials Impact D: The project site is not located on a hazardous materials site. A search of the Department of Toxic Substances Control (DTSC) EnviroStor database and the State Water Resources Control Board (SWRCB) GeoTracker database conducted on September 9, 2021, confirmed the project site is not located on a hazardous materials site on either database.

13. Hazards and Hazardous Materials Impact F: The proposed project would not result in adverse effects on emergency response or evacuation plans. The project would be required to comply with federal, state, and local regulations, including the Morgan Hill Emergency Operations Plan.

14. Hazards and Hazardous Materials Impact G: The project would not expose people or structures to significant risks involving wildland fires.

15. Hydrology and Water Quality Impact A: The project would be required to comply with regulations under the NPDES permit, Regional Water Quality Control Board, and adopted City regulations, which would address impacts to water quality.

16. Hydrology and Water Quality Impact B and E: The project would not extract groundwater or directly interfere with the groundwater table through construction activities on the site, as ground disturbance would not occur below the water table. The WSA provided as Appendix WSA determines that there is sufficient water supply available to meet the project's projected demands reliably over a 20-year projection and with consideration to varying climatic (drought) conditions.

17. Hydrology and Water Quality C1-C4: The 2005 EIR found that the proposed project would result in a substantial increase in stormwater runoff generated at the project site compared to existing conditions, but the project includes detention ponds, which have been designed to provide temporary storage of increased runoff in order to prevent increased flooding downstream. Detention basins on the project site would be fixed to accommodate Santa Clara Valley Water District (Valley Water) requirements and the City's detention design criteria. The stormwater to be temporarily stored in the planned detention ponds will be pumped to the adjacent Cochrane Channel at discharge rates, which are at or below pre-development levels, as required by Valley Water.

18. Land Use and Planning Impact A-B: The project would not divide an established community. The proposed project would not result in conflicts with Morgan Hill Municipal Code regulations adopted to avoid or mitigate environmental effects.

19. Mineral Resources Impacts A-B: The proposed project would not result in significant impacts to mineral resources, as the City of Morgan Hill General Plan and the General Plan EIR do not identify any mineral resource areas in the vicinity of the project site.

20. Noise Impact A: The project would not make substantial alterations to roadway

alignments [1] or substantially change the vehicle classifications mix on local roadways. The project would therefore not result in significant impacts to these receivers or any receivers from an increase in traffic noise. Offsite traffic would not create a new or substantially increased noise impact.

21. Noise Impact B: Construction vibration would be lower than what is considered a distinctly perceptible impact for humans. The project does not include substantial vibration sources associated with operation.

22. Population and Housing Impact A: Implementation of the proposed project and the additional population would be in population projections for the City and would not result in substantial cumulative impacts due to population growth. The proposed project would not induce substantial unplanned growth directly or indirectly.

23. Public Services Impact A3: Payment of the development fees is considered full mitigation for the proposed project's impacts related to schools under CEQA and impacts would be less than significant.

24. Public Services Impact A4: The proposed project would not have substantially adverse impacts associated with the provision of new or physically altered recreational services, or the need for new or physically altered recreational services.

25. Public Services Impact A5: The project's new residents would generate additional demand for library services, but the project's growth is in the population forecasts in ABAG projections. The proposed project does not include and would not require new or physically altered governmental facilities.

26. Recreation Impact A-B: The increase in population would result in a proportionate increase in demand for recreational facilities. The project's residential and commercial development would impact the parkland ratio in the City. The amenities provided by the proposed project would reduce the demand for offsite recreational facilities generated by new residents.

27. Utilities and Service Systems Impacts A-C: Services are readily available near the project site. The City of Morgan Hill has prohibited the use of natural gas in new development, the project would not involve the use of natural gas. As circumstances have not changed with respect to electricity and telecommunications infrastructure, the project would continue to be adequately served. There is adequate wastewater service available to serve the project. There is adequate water supply available to serve the project.

28. Wildfire Impacts A-D: The proposed project is not located in a State Responsibility

[1] The project would include the addition of a dedicated left turn lane and right turn lane on Tokay Avenue for movements in and out of the community; other than restriping lanes for the dedicated turn lanes, the project would not alter Tokay Avenue (e.g., no roadway widening required).

Area (SRA) or located near a VHFHSZ.

F. AREAS OF NO IMPACT IDENTIFIED IN THE SEIR OR INITIAL STUDY

The Final SEIR and Initial Study prepared for the project identified impacts that would have no impact:

The following findings are hereby made by the City of Morgan Hill City Council for the environmental effects found to have no impact:

SEIR

1. Greenhouse Gas Emissions Impact GHG-2: The project would be consistent with the 2017 Scoping Plan and Plan Bay Area 2050. This project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

INITIAL STUDY

1. Aesthetics Impact B: There are no designated State Scenic Highways in Morgan Hill. Thus, there would be no impact to scenic resources in a State Scenic Highway.
2. Agricultural Resources Impact B: Neither the project site nor the directly adjacent parcels are under Williamson Act contracts.
3. Agricultural Resources Impact C-D: The General Plan and U.S. Department of Agriculture does not identify any land in the City as zoned for forest land or timberland. The project site does not contain forest land or forestry resources.
4. Biological Resources Impact B: The project site lacks sensitive natural communities and protected wetlands, the project would not have a direct adverse impact on biological resources
5. Biological Resources Impact C: There are no riparian areas or other sensitive natural communities on or directly adjacent to the project site.
6. Hazards and Hazardous Materials Impact C: The project would not emit hazardous emissions or handle hazardous materials within 0.25 mile of a school.
7. Hazards and Hazardous Materials Impact E: The project would not be within two miles of a public airport or airstrip and would not result in a safety hazard or excessive noise hazards.
8. Noise Impact C: The project site is outside of the area of the land use plan for the airport. There are no private airstrips near the project site. Because there are no airports or airstrips near the project site, the project would not result in the exposure of people to excessive noise levels from aircraft.

9. Population and Housing Impact B: There are currently no residences on the project site. Therefore, the project would not displace existing people or housing.

G. MITIGATION MONITORING AND REPORTING PROGRAM

When making findings, the lead agency must adopt a reporting or monitoring program for the mitigation measures it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment. The City hereby adopts the MMRP for the project, included as Attachment A to these findings. The mitigation measures identified in the Final SEIR and adopted and incorporated into the project will be monitored pursuant to this program.

H. ALTERNATIVES

Pursuant to CEQA Guidelines Section 15126.6, the SEIR examined a range of reasonable alternatives to the proposed project that would attain most of the basic project objectives but would avoid or substantially lessen the significant adverse impacts. The City has reviewed the impacts associated with each alternative as compared with the proposed project, and has also considered each alternative's feasibility, considering a range of economic, environmental, social, and legal factors. Overall, the City concludes that Alternative 1 (No Project Alternative) would be the environmentally superior alternative. However, pursuant to CEQA Guidelines Section 15126.6(e)(2), if the No Project Alternative is determined to be environmentally superior, the EIR shall also identify an environmentally superior alternative among the other alternatives. . As discussed above, both Alternative 2 and Alternative 3 would result in reduced transportation impacts compared to the proposed project; however, transportation impacts under Alternative 2 and Alternative 3 would remain significant and unavoidable. Furthermore, the additional commercial buildout under Alternative 2 and Alternative 3 would result in an increased amount of annual operational GHG emissions. While these emissions do not exceed the adjusted BAAQMD emissions per service person threshold, both alternatives would result in more annual operational GHG emissions, which would result in further impacts to the environment. The alternatives considered by the City are summarized below.

Alternative 1 (No Project Alternative) Under the No Project Alternative, the proposed residential, retail, and commercial buildings associated with the proposed project would not be constructed. Alternative 1 would involve no modification of the existing parcel. The site would remain vacant, and no land use designation or zoning changes would occur. Alternative 1 would not fulfill the project's objectives to develop the remainder of the shopping center, nor would it provide additional housing.

Alternative 2 (No Project – Allowable Buildout under Existing General Plan Designation Alternative) The No Project – Allowable Buildout alternative assumes that the proposed residential, retail, and commercial buildings associated with the proposed project are not constructed. However, this alternative also assumes that buildout currently allowed by the existing Morgan Hill 2035 General Plan land use designations

would occur. As described in Section 2, *Project Description,* the project site is currently split between two land use designations. Approximately 13 acres of the northwest corner of the site is designated Mixed Use Flex (MUF) (7-24 dwelling units/acre) with the remaining 20.5 acres designated Commercial. The Commercial designation allows a wide range of retail businesses, administrative and executive office uses, and professional services, either in stand-alone buildings or as part of shopping centers, with a maximum FAR of 0.6. With 20.5 acres of the project site designated as commercial and a FAR of 0.6, Alternative 2 would allow a maximum of approximately 536,000 square feet of commercial development.[2] The MUF designation allows for a mix of residential, commercial, and office uses, with 7 to 24 dwelling units per acre and a maximum FAR of 0.5. With 13 acres of the project site designated as MUF, a maximum of 312 dwelling units could be developed in the project site. Because lands designated as MUF have a maximum FAR of 0.5, the maximum residential building footprint within the site would be approximately 283,000 square feet. [3] Altogether, Alternative 2 would result in the development of fewer residential units and more commercial area. This alternative would meet most of the project objectives, but it would contribute less housing stock than the proposed project.

Alternative 3 (Mixed-Use Flex Designation on North Half of the Site Alternative) The Extension of Mixed-Use Flex Designation to Cover Half the Site alternative assumes that the 2035 General Plan land use designation of MUF would be extended beyond the northwestern portion of the project site to the east to encompass the northern half of the project site. Residential, retail, and commercial buildings would be constructed consistent with the adjusted land use designation. Approximately 16.75 acres on the northern side of the project site would be designated MUF, and 16.75 acres on the southern side of the project site would remain designated as commercial. 16.75 acres of land designated as MUF would allow for up to 402 dwelling units to be built under Alternative 3,[4] and 16.75 acres of land designated as commercial would allow for up to approximately 435,600 square feet of commercial use.[5] Alternative 3 would result in half as much area designated as MUF compared to the proposed project; thus, the extended MUF area under this alternative would allow the development of fewer dwelling units compared to the proposed project. Alternative 3 would also involve an increase in areas designated as commercial compared to the proposed project. Similar to the proposed project, this alternative would meet the project objectives by increasing the viability of the existing Cochrane Commons anchors and tenants, developing the remainder of the shopping center, and adding variety to the city's housing stock.

I. RECIRCULATION NOT REQUIRED

[2] 20.5 acres multiplied by a FAR of 0.6, converted to square feet, equals approximately 536,000 square feet of allowable commercial development.

[3] 13 acres multiplied by up to 24 dwelling units per acre equals 312 dwelling units. 13 acres multiplied by a FAR of 0,5 converted to square feet, is approximately 283,000 square feet of residential development.

[4] 16.75 acres multiplied by up to 24 dwelling units per acre equals 402 dwelling units.

[5] 16.75 acres Multiplied by a FAR of 0.6, converted to square feet, equals approximately 435,600 square feet of allowable commercial development.

No new or substantial changes to the SEIR were proposed as a result of the public comment process. The Final SEIR responds to comments and makes only minor technical changes, clarifications or additions to the EIR. The minor changes, clarifications, and additions to the SEIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts. Therefore, recirculation of the SEIR is not required.

J. RECORD OF PROCEEDINGS

Various documents and other materials constitute the record of proceedings upon which the City base their findings and decisions contained herein. Documents related to this proposed project are located in the City of Morgan Hill Development Services, 17575 Peak Avenue, Morgan Hill, California 95037.

K. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance the benefits of a project against its significant and unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)). CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final SEIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)). The proposed project would result in significant and unavoidable impacts related to vehicle miles traveled and transportation, even after incorporation of Mitigation Measure TRA-1, VMT Reductions.

The City adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the project and the anticipated benefits of the project. The City finds that the project's benefits of providing affordable multi-family housing, increasing the viability of the Cochrane Commons, and developing the remainder of the shopping center outweighs the project's significant unavoidable environmental effects.

On balance, the City finds that there are specific considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects. Therefore, pursuant to CEQA Guidelines Section 15093(b), these adverse effects are considered acceptable.

L. SUBSTANTIAL EVIDENCE SUPPORTING FINDINGS

Substantial evidence supporting each and every finding made herein is contained in the Final SEIR and record of proceedings. Omission of reference in these findings to any evidence in the SEIR and/or record of proceedings is not intended to exclude that evidence as supporting these findings.

In making these findings, the City Council has relied upon the expertise of a variety of independent technical and professional consultants to the City, and the expertise of the City's Staff. The City Council has also carefully considered the evidence submitted by

property owners and other interested agencies and individuals. To the extent that evidence consists of expert opinions that differ from the opinions of the City's outside consultants and Staff, at most it represents a disagreement of experts, which is adequately reviewed in the EIR. Based on its review, the City Council has determined that the opinions of its outside consultants and Staff are valid and are hereby accepted. In some instances, the City Council has also relied on the expertise of other agencies who have provided comments on the Draft SEIR and other actions related to the Project. To the extent that alternatives or mitigation measures were proposed by other agencies or interested persons that differ from the mitigation adopted herein, the City Council specifically rejects these proposals based on the substantial evidence in the record supporting the mitigation adopted as sufficient and necessary to mitigate impacts to a less than significant level or to the level that the impacts can feasibly be mitigated.

Resolultion No. 22-18 Cochrane Commons Phase 2 SEIR

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