



**Regular Meeting Agenda
Planning Commission**

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WAYNE TANDA - PLANNING COMMISSIONER

Tuesday, September 24, 2024 7:00 PM

**Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037**

MEETING PARTICIPATION

Morgan Hill Planning Commission meetings are held in person. The community may attend in person or via Zoom (video/teleconference). The meetings are also live-streamed on the City's website, Facebook page, and Channel 17.

Those wishing to participate in the meetings remotely must register in advance at <https://bit.ly/PlanningCommissionMtg>. Additionally, Zoom participants must be running the latest version or will be required to update to the latest version before being able to join the meeting remotely.

Remote participation is also available by calling (669) 900-9128 and entering webinar id: 862 0324 6251#. Dial *9 to raise your hand, and be called upon to speak for up to 3 minutes. Dial *6 to unmute.

As a courtesy, and technology permitting, for members who attend online, the City cannot guarantee that the public's access to online technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Ralph M. Brown Act, the meeting will continue despite technical difficulties for participants using the online option.

PUBLIC COMMENT

Public comment may be offered verbally at the meeting or in writing before the meeting.

Those attending remotely may only offer public comment for items on the agenda in any of these four categories:

- Consent Calendar
- Other Business
- Public Hearings

Public comment will be heard from those attending in person first with the submission of a speaker card. Once that is complete, we will move to those on Zoom that have their hand raised. Following public comment from Zoom, we will close the public comment period for that item.

Remote public comment for items not on the agenda will not be accepted.

Written public comment may be submitted to the Planning Office:

- In person at the Planning Commission Meeting;
- Via email to pcpubliccomment@morganhill.ca.gov; or
- Hand delivered or mailed to the Planning Division at 17575 Peak Avenue, Morgan Hill, CA 95037

Please email your comments to the Planning Office no later than 3:00 p.m. on Monday (the day before the Planning Commission meeting) so that your comments can be submitted to the members of the Planning Commission with sufficient time to review them. You may continue to provide written comments up to noon on Tuesday (the day of the meeting), although Planning Commissioners may not have sufficient time to review them before the meeting. Public comments submitted to the Planning Division after noon (12:00 p.m.) the day of the meeting will be provided to the Planning Commission as time allows.

Written comments WILL NOT be read aloud during the Planning Commission Meeting. Please note that written comments are posted on the City's website. It is recommended that you do not include any personal information that you do not want to be posted on the web. Please be advised that communications directed to the Planning Commission are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions and will be printed/posted as submitted.

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 Planning Office at (408) 310-4709 or by email at planning@morganhill.ca.gov. Requests must be made as early as possible and at least two full business days before the start of the meeting.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

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

ORDERS OF THE DAY

PUBLIC HEARINGS

1. **ZA2021-0001/EA2018-0016: New Horizons (Hill-Morgan Hill Devco): Request for a Planned Development and Master Plan for 320 new residential lots of varying sizes on a 69.4-acre site located on the northwest quadrant of Hill Road and Barrett Avenue identified by APN 817-20-031. CEQA: Environmental Impact Report.**
Recommendation:
 1. Open/close the public hearing;
 2. Adopt a Resolution recommending the City Council certify the Environmental Impact Report (EIR), approve the Mitigation Monitoring and Reporting Program prepared for the project, and adopt Findings of Fact and Statement of Overriding Considerations; and
 3. Adopt a Resolution recommending approval of the Planned Development with Standards for IHO consistency and approve a zoning amendment to create a Planned Development Combining District with Master Plan; or
 4. Adopt a Resolution recommending denial of the proposed zoning amendment for a Planned Development and associated Master Plan.
2. **SR2024-0003/EA2024-0001: Tennant - Ten South Acquisitions, Request for a Design Permit to allow for the construction of a rental project that consists of 259 multi-family attached residential units on an 11.26-acre site.**

The property, identified by Assessors Parcel Number 817-08-032, is located on the southeast corner of Butterfield Boulevard and Tennant Avenue at 740 Tennant Avenue.

Recommendation:

1. Open/Close the public hearing; and
2. Adopt a Resolution approving a Design Permit for a new residential project.

3. MISC2024-0004: CONSIDER AN ORDINANCE TO AMEND THE CITY OF MORGAN HILL SPECIFIC PLAN DELETING THE CONDITIONAL USE PERMIT REQUIREMENT FOR BARS ASSOCIATED WITH A RESTAURANT

Recommendation:

1. Open/close public hearing; and
2. Adopt resolution recommending City Council approval of the amendment to the Specific Plan.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the Planning Commission less than 72 hours prior to an open meeting, will be made available for public inspection at the front 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 Planning Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Planning Commission 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 Planning Commission, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Planning Commission on any other item of interest to the public, you may do so during the public comment

portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

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

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

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

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

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

PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 24, 2024

PREPARED BY:

Tiffany Brown, Associate Planner

APPROVED BY: Jennifer Carman

ZA2021-0001/EA2018-0016: NEW HORIZONS (HILL-MORGAN HILL DEVCO): REQUEST FOR A PLANNED DEVELOPMENT AND MASTER PLAN FOR 320 NEW RESIDENTIAL LOTS OF VARYING SIZES ON A 69.4-ACRE SITE LOCATED ON THE NORTHWEST QUADRANT OF HILL ROAD AND BARRETT AVENUE IDENTIFIED BY APN 817-20-031. CEQA: ENVIRONMENTAL IMPACT REPORT.

RECOMMENDATION(S)

1. Open/close the public hearing;
2. Adopt a Resolution recommending the City Council certify the Environmental Impact Report (EIR), approve the Mitigation Monitoring and Reporting Program prepared for the project, and adopt Findings of Fact and Statement of Overriding Considerations; and
3. Adopt a Resolution recommending approval of the Planned Development with Standards for IHO consistency and approve a zoning amendment to create a Planned Development Combining District with Master Plan; or
4. Adopt a Resolution recommending denial of the proposed zoning amendment for a Planned Development and associated Master Plan.

LOCATION MAP/PROJECT INFORMATION:



1. Location: Northeast Quadrant of Hill Road and Barrett Avenue (APN: 817-20-031)

2. Site Area: 69.4-Acres
3. General Plan: Residential Detached Medium
4. Zoning: Residential Detached Medium (RDM, 7,000), Residential Planned Development (RPD)
5. Request: Request for a Planned Development (PD) and Master Plan (Plan) for a 69.4-acre site located on the northwest quadrant of Hill Road and Barrett Avenue. The project site land use designation and zoning allow for single-family detached homes on a minimum of 7,000 square foot lots. The PD would allow alternative lot sizes and development standards. The Plan proposal includes 320 new residential lots with a variety of unit types including one and two-story single family detached homes, court-style homes, and multifamily homes on a mixture of lot sizes. The plan includes public parks/open space and associated on and offsite improvements.

BACKGROUND:

The project site was rezoned in 1989 as part of a larger 80.41-acre site as R-1 (7,000/ RPD, Single Family Residential Planned Development). In 1991 a precise development plan was approved for 11 acres of the 80.41-acre site, leaving the remaining 69.4-acres as rural largely undeveloped land.

In September 2020, the Planning Commission reviewed a Preliminary application for a General Plan Amendment and Zoning Amendment for a Planned Development for the remaining 69.4 acres of the site. The proposal at that time included amending the General Plan for 2.29 acres of the site to increase the density from Residential Detached Medium (4-units/acre) to Residential Attached Medium (6-24 units/acre) to allow for a senior living community. The proposal also included single family detached units, clusters of duets, court homes, and multifamily attached units. Units and lots varied in size. The Planning Commission reviewed the proposal and provided the following feedback:

1. Site access and consideration of vehicular speed-reducing measures.
2. Spread Duets throughout the site.
3. Feathering lot sizes by putting larger lots along the perimeter and the smaller lots near the center of the development.
4. Mixed feedback on age restricted units at this location.
5. Affordable housing units proposed need to meet the Inclusionary Housing Ordinance by offering a variety of housing types and locating them throughout the development site.
6. Further review of day lighting and/or realignments of creeks and if they could/would work.
7. Address the onsite flooding.
8. Undecided on support of three-story units at this location.
9. Clarify density calculations.
10. Clarify open space calculations for qualification as a Substantial Public Benefit.

More information on the preliminary review can be found on the City's Morgan Hill website under Agenda and Minutes for the [September 8, 2020 Planning Commission Hearing](#). After receiving Planning Commission feedback, the applicant requested the item be put on the City Council agenda to receive Council feedback. The item was publicly noticed for the February 3, 2021 City Council meeting. The meeting was canceled and when city staff reached out to the applicant to reschedule the item, the applicant requested the item not be rescheduled. Because the Municipal Code only requires preliminary review at the Planning Commission level, the item was not rescheduled to be heard in front of the Council for feedback.

On May 14, 2021, an application was submitted for a PD, Master Plan and associated environmental review. Due to numerous changes in the project description by the applicant, the application submittal was not deemed complete until April 2023.

PROJECT DESCRIPTION:

The project request is for a Planned Development (PD) and associated Master Plan (Plan) to remove the existing structures and subdivide the 69.4-acre site into 320 residential lots with a mixture of unit types and lot sizes. The proposed lot sizes and unit types are distributed as follows:

Lot Size	Number of Lots
7,000 sq ft or more	64
5,000 sq ft or more	159
3,000 - 3,800 sq ft	63
1,800 sq ft or more	34

Unit Type	Number of Units
Single-Family Detached	223
Court-Style House	42
Cottage (Age Restricted)	21
Duet (Age Restricted)	34

Out of the 223 single family homes, 21 of them include an accessory dwelling unit (ADU), and all 21 cottage units include an ADU. The new units will surround the centrally located 3,377 square foot clubhouse with a pool that is connected to one of the proposed neighborhood parks. The Plan includes dedication of 1.76-acres to Jackson Park, four-acres of usable common area/neighborhood park open space disbursed through three parks throughout the site, and a Class 1 public trail/pathway connectivity from Jackson Park to Hill Road that includes a pedestrian bridge over Tennant Creek. The project proposes off-site improvements to Jackson Park as part of Jackson Elementary school, Hill Road, and Barrett Avenue. The site will be accessed off Hill Road and include public internal streets that connect to the adjacent residential neighborhoods.

Site Description

The majority of the 69.4-acre site is undeveloped and previously used for agricultural purposes. On the west portion of the site there are four vacant barn/accessory structures totaling approximately 25,000 square feet. PG&E has easements for two existing gas lines that run north to south along the east side of the project site. Tennant Creek bisects the northwest from the southwest of the project site.

Surrounding Uses

	General Plan Land Use	Zoning	Existing Use

North	Residential Detached Medium	RDM 7,000	Housing
South	Pre-land use Designation Residential Detached Medium Outside Morgan Hill City Boundary	Unincorporated	Agricultural land and rural residences
East	Residential Detached Medium (up to 7 du/ac) / Residential Detached Low (up to 4 du/ac)	RDM 7,000 / RPD	Housing and Jackson School and Public Park
West	Pre-land use Designation Rural County and Open Space - Outside Morgan Hill City Boundary	Unincorporated	Warehouse/storage structures, industrial structures, and rural residences

PROJECT ANALYSIS AND FINDINGS:

ANALYSIS

The proposed project was analyzed with respect to conformance with: 1) Morgan Hill 2035 General Plan; 2) Zoning Ordinance 3) Inclusionary Housing Ordinance. In addition, the project was reviewed in response to Planning Commission Comments received at the Preliminary Hearing meeting and are summarized in section 4) Planning Commission Comments.

1. General Plan Land Use Consistency

The General Plan designates the site as Residential Detached Medium, which allows for detached homes on smaller lots, including courtyard homes, manufactured homes, and small-lot single-family homes. The land use designation supports up to 7 units per acre with a max of 25% of the total number of units allowed as duet units. Accessory dwelling units are permitted by right.

The project is providing a density of 4.6 units to the acre, which is consistent with the General Plan land use designation. The project provides a variety of lot sizes and unit types such as single family detached homes, duets, and courtyard style homes and includes approximately 4 acres of neighborhood park space with connecting pedestrian trail /pathway to existing and proposed parks and trail. Duet units comprise 34 of the 320 units, which is approximately 11% of the proposed units and consistent with the General Plan. The following General Plan Policies apply to the project and are further discussed below each listed policy.

Policy CNF 6.4 for Public Facilities Updates. *Elevate the need for improvements to existing public facilities based on such factors as the location and extent of new residential, commercial and industrial development, residential densities, and neighborhood development patterns.*

The project proposes to dedicate 1.76 acres to Jackson Park. Improvements to the park include:

- Fencing separating the park and public school
- Hardscape improvements to existing playground area and new benches
- Connection to the public trail
- Additional Jackson Park signage
- ADA parking

- Amphitheater style courtyard area
- Duel use storm water detention basin for both Jackson Park and the proposed project

The proposed PD provides standards requiring the project to provide a study that identifies current water runoff and retention flow at Jackson Park and associated stormwater control planning documents for the park and the project to be reviewed and part of the approval of the Design Permit. Improvement and maintenance agreement(s) would be completed prior to final map.

Policy CNF-6. A Level of Service Standards. *Identify and adopt a set of level of service standards for major public facilities and services (roads, police, fire, sewer, water, drainage) that identified accepted services and standards for development in Morgan Hill.*

The General Plan has adopted Level of Service (LOS) as a primary metric for the evaluation of the projected operation of the City's roadway system. It is a qualitative description of operating conditions that use a measurement grading system ranging from LOS A = free-flow conditions with little or no delay, to LOS F = jammed conditions with excessive delays. The LOS standards outlined in the Transportation Element identify most intersections, excluding Downtown and specifically identified intersections, as acceptable to operate between an LOS A through LOS D. The City LOS guidelines state that a development is said to create a significant adverse effect on traffic conditions at a signalized intersection if for either AM or PM peak hour if: 1) LOS degrades from an acceptable level LOS D- F, and 2) if already an LOS D-F intersection, the project would increase the critical delay by 4 or more seconds and the volume/capacity ratio increased by 0.01.

A Traffic Operations Analysis was completed by Hexagon Transportation Inc. that evaluated the weekday AM and PM peak hour operations at selected intersections for the purpose of identifying operational issues (queuing, signal operations, and potential multi-modal issues) at intersection and freeway segments in the general vicinity of the project site. The results of the operations analysis indicate that the proposed project would have an adverse effect on operations at the following six intersections under Year 2030 cumulative with project conditions based on the City's operation standards and identifies the improvement needed to mitigate the adverse effect. The intersections with proposed mitigation are listed in the table below and included as Standards in the PD:

Intersection	Projected LOS	Necessary Improvement	Resulting LOS	Required Contribution
a. Condit Road and Main Avenue	E/F (AM/PM peak)	Exclusive southbound right-turn lane, signal modifications, pavement widening, lane striping	D	In-lieu cost
b. Condit Road and Tennant Avenue	F (PM peak)	Traffic signal	B	In-lieu cost
c. Murphy Avenue and Tennant Avenue	F (AM/PM peak)	Traffic signal with protected phasing	D	In-lieu cost
d. Hill Road and Fountain Oaks Drive	E (AM peak)	Separate westbound left-turn lane	C	Full cost by property owner
e. Hill Road and Barrett Avenue	F (AM peak)	Traffic signal with protected phasing OR roundabout	Signal - B Roundabout - A	In-lieu cost for signal, full cost for roundabout
f. Condit Road and Diana Avenue	E (AM peak)	Traffic signal with protected phasing	B	In-lieu cost

The Transportation analysis also provided input on the construction and connectivity of the project

and the following Transportation Standard is incorporated into the "5. Transportation Related Standards" in the PD.

- g. New development shall provide adequate width and turn-radii at and along all drive/parking aisles to allow for two-way circulation and adequate circulation of larger vehicles (such as emergency trucks, garbage trucks, and delivery trucks) throughout the project site.

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

The proposed lots and housing sizes along the perimeter of the property will complement the existing adjacent neighborhood as they are very similar in size and style and meet the intent of the Residential Detached Medium designation.

Policy CNF 8.11 Pedestrian Spaces. *Encourage the design of attractive outdoor pedestrian spaces that encourage impromptu public gathering places with features such as plazas, interior walkways and paseos, ornamental gates, trellises, lighting, trees and landscaping, seating and fountains.*

The Master Plan includes a landscaped public trail that connects the development with the adjacent community, neighborhood parks and clubhouse.

Policy CNF 9.1 Density Feathering from High to Low Densities. *Encourage feathering from higher urban densities to lower rural densities to occur within the city limits. Feathering should begin as development nears the Urban Growth Boundary.*

The land use designation for the project site is Residential Detached Medium – up to 7 units to the acre. The adjacent neighborhoods to the north and east are also designated as Residential Detached Medium – up to 7 units to the acre. Property to the west (across Hill Avenue) and south (across improved Barrett Avenue) is within the County jurisdiction and identified as Rural County and Residential. The proposed project meets the allowed density per the General Plan.

Policy CNF 10.4 Single-Family Housing Supply. *Supports actions to maintain adequate supply of single-family housing throughout the community, including provisions of affordable single-family housing to those persons who work within the community.*

The proposed project provides a variety of single-family homes. The project is proposing the construction of 39 moderate below market rate (BMR) units.

Policy CNF10.5 Affordable Single-Family Housing. *To the maximum extent possible, emphasize single-family units in affordable housing allocations, rental and ownership housing assistant projects, and rehabilitation programs to improve the existing housing stock.*

While the proposed Plan demonstrates compliance by providing some affordable Below Market Rate (BMR) units in a single-family product, the Plan must also comply with the Inclusionary Housing Ordinance (IHO). The purpose of the IHO is to further the City's efforts to require housing available to extremely low-income, very low-income, and moderate-income households by requiring builders of new market-rate housing to include affordable housing units within their projects.

The project as proposed is not consistent with the General Plan but with the Standards incorporated into the PD detailed in Section 3, this PD would comply with the General Plan.

Policy CNF 11.3 Appropriate Residential Transitions. *Provide for an acceptable transition in lot size and density between adjacent residential areas.*

While the project proposes a mixture of lot sizes and unit types, it proposes larger single-family lots and unit square footages along the borders of the site with a mixture of smaller single-family lot sizes and courtyard homes on the interior, and a cluster of duets and cottages centrally located around the neighborhood park with clubhouse.

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

The proposed neighborhood connects to the surrounding neighborhoods via streets by two access points off Barrett Road, a connection to the existing Fountain Avenue dead end street, and by completing the missing segment of Sorrel Way and Fountain Avenue. The project also provides pedestrian connectivity via complete streets, which include sidewalks with landscaping planter strips and a public trail/pathway that connects neighborhoods and public parks.

STREAMS/CREEKS

The General Plan provides clear direction on preservation, restoration, and day-lighting streams and creeks within Morgan Hill. It also discusses locating parks and trails near streams and creeks. Staff requested input from the Planning Commission at their September 8, 2020, meeting on the realignment of Tennant Creek, day-lighting of any underground culverts and incorporation of the natural creek with bicycle and pedestrian connection. The direction received was to further analyze the existing streams/creeks and surrounding culverts and engineered channel(s) ability to daylight and roster any natural creeks that flow from the east hills into underground culverts and engineered channels such as Tennant Creek as part of the environmental review and if not possible, allow the existing infrastructure to remain. Staff further reviewed the Creek and Watershed Map of Morgan Hill and Gilroy (2009) by Janet M. Sowers, and Jameson E. Henkle, William Lettis & Associates, Inc., historical wetlands research by the San Francisco Estuary Institute, and the biological report prepared for the CEQA analysis, and received a better understanding of the existing culvert and channel system. With that information, this PD proposal keeps the Tennant Creek channel in the same place and will continue to utilize the existing underground culverts, storm drains, and engineered channels. Tennant Creek was already realigned for the adjacent project to the north, and further realignment to the original state would have significant effects on the adjacent properties to the south. There are unnamed watersheds and underground culverts along the northeast of the property that flow down into a culvert off Barrett Avenue. This is all tied into the current drainage system for the existing neighborhoods and Jackson Park. The recommendation is to maintain the underground system with the development of the project and all water run off will be properly engineered to not impede on adjacent properties through the Storm Water Control Plan as part of the Design Permit review. This project meets the following policies identified within the General Plan related to Streams and Creeks.

Policy HC-3.14 Streamside Trails. *Work in partnership with the Santa Clara Valley Water District to establish easements and develop trails and linear parks along creeks and drainage channels, connecting parks, regional trails, schools, libraries, and other community facilities and ensuring that natural resources are protected and restored.*

This project proposes a trail network along the existing daylighted Tennant Creek Culvert and a pedestrian bridge that connects to the rest of the new and existing neighborhoods to the east including Jackson Park and Jackson school.

Policy NRE-5.5 Flood Control Projects. *Where flood control projects are needed to protect existing development, minimize disruption of streams and riparian systems, maintaining slow flow and stable banks through design and other appropriate mitigation measures; and*

Policy NRE-5.6 Stream Channel Protection. *Protect existing stream channels and riparian vegetation by requiring buffering or landscaped setbacks and storm runoff interception as specified*

in the General Plan Table NRE-1, Required Stream Setback Distances.

This project maintains the existing engineered channel and, as part of the EIR, requires new development to maintain the appropriate creek setback as identified on the map titled Figure 3.2-5 within the Draft EIR Creek Setback Zone adjacent to Tennant Creek channel.

AGRICULTURE

The 69.4-acre project site consists of one parcel that is largely undeveloped except for four vacant structures located on the southeastern portion of the site. The site has been historically used for agricultural activities; however, the site is currently not used for agricultural purposes and is not the subject of a Williamson Act contract. According to the Santa Clara County Important Farmland 2018 Map and the State FMMP, the project site consists of approximately 44 acres of Prime Farmland, approximately five acres of Farmland of Statewide Importance, and approximately 20 acres of Other Land. Because the site is identified as Prime Farmland and Farmland of Statewide Importance, the project will require a Statement of Overriding Consideration as a significant and unavoidable impact per the CEQA. The statement of overriding consideration for agriculture is prepared as part of the Resolution for the Recommendation of the EIR to Council. The General Plan acknowledges the historic land use of the site and analyzed the best land use designation for the site as Residential Detached Medium with the adoption of the 2035 General Plan. The City of Morgan Hill adopted its Preservation Program in November 2014 to preserve potential agricultural land subject to development. The following Mitigation Measures are required for any new development within this PD with the certification of the EIR.

Policy NRE-4.11 Agricultural Mitigation. *Enforce the agricultural mitigation requirement of requiring the preservation of a minimum of 1 acre of agricultural land for each acre of agricultural land changed to a non-agricultural use, consistent with the City's Agricultural Lands Preservation Program.*

MM AG-1.1: A minimum of one acre of agricultural land (1:1 mitigation ratio) shall be preserved for each acre of agricultural land changed to a non-agricultural use. The required acreage of area to be protected through an agricultural conservation easement or agricultural preservation in-lieu fee will depend on the measurement of affected area. The area of land designated as Prime Farmland and Farmland of Statewide Importance shall be used for calculating the required mitigation.

MM AG-1.2: Conversion of agricultural land shall require off-setting acquisition and/or dedication of agricultural conservation easements over approved agricultural mitigation land, or payment to the City of the agricultural preservation in-lieu fee, to support agricultural preservation activities. Developer acquisition/dedication of easements shall require the project to pay an agricultural lands preservation program stewardship fee to cover administrative costs and ongoing management and monitoring of the easements, whichever occurs first. Agricultural mitigation fees shall be required prior to the acceptance of a final parcel or subdivision map or prior to issuance of building or grading permits, whichever occurs first. Easement dedication is required prior to issuance of building permits. Agricultural mitigation fees shall be required prior to the acceptance of a final parcel or subdivision map, or prior to issuance of building or grading permits. Easement dedication is required prior to issuance of building permits.

2. Zoning Ordinance Consistency

The purpose of the PD is to allow for high quality development that deviates from standards and regulations applicable to base zoning districts in Morgan Hill. The PD is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The PD 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. The following findings need to be made to support the establishment of a PD.

Planned Development Findings

a. The proposed amendment is consistent with the General Plan, zoning code, and any applicable specific plan or area plan adopted by City Council.

The project complies with the allowed density range for units on the site in accordance with the General Plan and is consistent with the General Plan Policies as summarized in Section 1. General Plan Consistency above. The PD Standards require new development to meet the Residential Development Design and Development Standards and will be consistent with the intent of the underlying zoning designation.

As proposed, the Plan includes a water feature (pond) centrally located near the Club House. A standard is written in the PD that requires all landscaping and amenities, including water features, be consistent with the Water Conservation Ordinance prior to Design Permit Approval.

b. The proposed development is superior to the development that could occur under the standards applicable in the existing zoning district.

This project includes a range of unit types and lot sizes while maintaining the allowable density for the land use designation.

c. The proposed project will provide a substantial public benefit(s) as defined in the Municipal Code. The Public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.

Substantial public benefit is defined as a project feature not otherwise required by the zoning code or any other provision of local, state, or federal law that substantially exceeds the city's minimum development standards and significantly advances the goals of the general plan. A project must include one or more substantial public benefits to be rezoned as a planned development. The public benefit provided shall be of sufficient value as determined by city council to justify deviation from the standards of the zoning district that currently apply to the property. Examples of substantial public benefits include but are not limited to:

- Housing that is affordable to lower-income households.
- Public plazas, courtyards, open space gathering places that provide opportunities for people to informally meet and gather.
- New or improved pedestrian and bicycle pathways that enhance circulation within the property and connectivity to the surrounding neighborhood.
- Green building and sustainable development features that substantially exceed the city's minimum requirements.
- Preservation, restoration, or rehabilitation of a historic resource.
- Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions,
- Publicly accessible park and open space beyond the minimum required by the city or other public agency.
- Habitat restoration and or protection of natural resources beyond the minimum required by the city or other public agency.

The following two items qualify for a substantial public benefit and are written as a requirement within this PD:

1. New residential development is required to provide useable private and common open space with a minimum type of on-site recreational amenities. While the private open space per lot and the

on-site recreational amenities are reviewed for conformance prior to Design Permit approval, the common open space required is confirmed now. The Plan proposes approximately 4 acres of parkland dispersed through three parks. The total amount of common open space required for the development is 47,585 square feet or 1.09-acres. The common open space provided exceeds the minimum by 2.91 acres. Because the proposed open space exceeds the minimum required, it qualifies as a substantial public benefit.

2. Hill Road and Barrett Avenue Improvements: The development of this site will require a new traffic signal at Hill Road and Barrett Avenue per the Transportation Impact Analysis completed for General Plan consistency review. As a Significant Public Benefit is required for a PD, new development of this site shall be required to construct and pay for a new roundabout in lieu of a traffic signal, which would enhance the intersection's projected 2023 cumulative Level of Service (LOS) from an unacceptable LOS D (without a traffic signal) to an acceptable LOS A.

d. The Site for the proposed development is adequate in size and shape to accommodate proposed land uses.

The Plan has been reviewed for design, location, shape, size, and uses proposed and has been determined to be suitable and compliant with the vision of residential at this location with the addition of neighborhood parks and trail connectivity.

e. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.

The project is consistent with the policies of the City's General Plan to improve sidewalk connectivity and expand pedestrian opportunities. The City's Bikeways, Trails, Parks and Recreation Master Plan, adopted in July 2017, establishes goals, policies, and actions to facilitate bicycling and designates bicycle lanes along many City streets.

SB 743 establishes criteria for determining the significance of transportation impacts using a VMT metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts.

Based on VTA's VMT Evaluation Tool, the Morgan Hill citywide average daily VMT per capita is currently 24.64. The OPR recommends an impact threshold of 15 percent below the existing VMT levels for residential land uses, which equates to 20.94 VMT per capita. The project, located on the southeastern edge of the city, is estimated to generate 33.25 VMT daily per capita, which would exceed the City's impact threshold. The project would result in a significant VMT impact. The project applicant would need to implement VMT reduction measures to achieve a 37 percent reduction in its VMT per capita for the proposed project to reduce the project's VMT impact to a less than significant level (below 20.94 VMT daily per capita). However, the maximum reduction possible is anticipated to reduce daily per capita VMT to only 29.55. The project's VMT per capita could be reduced to 29.55 with the implementation of the Travel Demand Management (TDM) strategies, included as mitigation measures of the EIR. Findings of Significance and a Statement of Overriding Considerations prepared are included as part of the Resolution.

f. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use characteristics of the surrounding area.

The project is a residential development that provides a variety of housing types ranging from single family detached to multifamily attached housing units on a range of lot sizes. The General Plan envisioned residential uses at this location and the proposed Plan integrates the new residential

units with the surrounding residential neighborhoods by completing streets and adequately transitions larger lots to smaller lots. The PD and Plan was reviewed by the Development Services Team and Standards required within the document will not have a substantial adverse effect on surrounding property.

g. Findings required for the current approval of a zoning Map amendment can be made.

The findings for a zoning map amendment can be made and are further discussed under the Zoning Map Amendment findings section of this report.

Zoning Map Amendment Findings

The creation of a PD requires a Zoning Map amendment to incorporate the PD overlay. The following findings are required for a Zoning Map Amendment.

h. The proposed amendment is consistent with the general plan and any applicable specific plan as provided by Government Code Section 65860.

As summarized under the General Plan consistency section of this report, the project as conditioned is consistent with the General Plan.

i. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

The project is a residential development that provides a variety of housing types ranging from single family detached to multifamily attached housing units on a range of lot sizes. The General Plan envisioned residential uses at this location and the proposed Plan integrates the new residential units with the surrounding residential neighborhoods by completing streets and adequately transitions larger lots to smaller lots.

j. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

The 69.4-acre site is suitable in design, location, shape, and size to accommodate the uses allowed by the PD and Plan. The variety of residential uses comply with the allowable density and as conditioned, will require compliance with the Residential Development Design and Development Standards.

3. Inclusionary Housing Ordinance Consistency

While the proposed Plan provides some affordable Below Market Rate (BMR) units in a single-family product, the Plan must also comply with the Inclusionary Housing Ordinance (IHO). The purpose of the IHO is to further the City's efforts to require housing available for extremely low-income, very low-income, and moderate-income households by requiring builders of new market rate housing to include affordable housing units within their projects. The Housing Element of the General Plan implements the established policy of the State of California that each community should foster an adequate supply of housing for persons at all economic levels. The IHO Ordinance was promulgated to promote and protect public health, safety, and general welfare while preserving and enhancing economic diversity and inclusiveness within the City.

For a 320 unit development, the IHO requires 15% of the units to be affordable, which is a total of 48 units, and those units need to be proportionally distributed throughout each product type. That summary is as follows:

Housing Type	Percentage of Total Project	Required BMRs
Traditional SF	69.68%	34
Courtyard Homes	13.12%	6
Senior Cottages	6.56%	3
Senior single-family attached	10.62%	5

The applicant has provided a project description that requests 33 BMR units clustered together in the age restricted duets, 6 BMR units in the courtyard homes, and to pay an in-lieu fee for the 9 remaining units. This proposal does not meet the IHO requirements in regard to overall number of units or the dispersement of the unit types.

The State of California requires cities to adopt programs that "affirmatively further fair housing" in "racially concentrated areas of affluence" or RCAAs. The areas of the City east of 101 are considered RCAAs.

The PD requires IHO compliance and the specific standards are written into the Standards to specify exactly how many units need to go within what product type to comply. With that standard incorporated into the PD, this project would comply with the General Plan and IHO. This is reflected in Draft Resolution #1.

4. Planning Commission Input from September 2020

Below is the list of comments received by the Planning Commission and how the Master Plan addresses the concerns.

1. Site access and consideration of vehicular speed-reducing measures.

The Plan curves Barrett Avenue and includes a roundabout at the new neighborhood's main entrance. Roundabouts are utilized to keep traffic flowing, but also are a tool to slow traffic down. The transportation analysis completed for the Plan includes speed-reducing measures that can be put into place should speeding persist once the project is constructed.

2. Spread Duets throughout the site.

Duets are not traditionally spread throughout the site on corner lots. The Plan moved them from the southwest corner of the site (on Hill Road and Barrett Avenue) and centrally located them around the clubhouse and indicates that they are age-restricted units.

3. Feathering lot sizes by putting larger lots along the perimeter and the smaller lots near the center of the development.

The Plan reduced the density, increased lot sizes that border the adjacent neighborhoods, and introduced smaller lots and units to the interior of the project site.

4. Mixed feedback on age-restricted units at this location.

The Plan still includes age-restricted units as BMR units.

5. Affordable housing units proposed need to meet the Inclusionary Housing Ordinance by offering a variety of housing types and locating them throughout the development site.

As discussed under the General Plan Consistency Section of this report, as proposed, the Plan does not meet the IHO. As a written standard within the PD, any new development of the site will be required to meet the IHO requirements.

6. Further review of day lighting and/or realignments of creeks and if they could/would work.

Staff worked closely with the CEQA consultant and after further review, the realignment or day-lighting of existing creeks is not feasible without causing impacts to the existing adjacent neighborhoods and properties.

7. Address the onsite flooding.

The site was further analyzed during the CEQA analysis under existing conditions. As part of the Design Permit, a Stormwater Control Plan is required per the Municipal Code and will ensure new development will address any water run-off onto adjacent properties.

8. Undecided on support of three-story units at this location.

The Plan reduced heights to single-story and two-story homes.

9. Clarify density calculations.

Density calculations are confirmed and the proposed density is within the current General Plan land use designation maximum.

10. Clarify open space calculations to qualify as Substantial Public Benefit for Planned Developments.

Open space calculations are confirmed and the project proposed more than double the requirement of outside common open space.

CONCLUSION:

The project as proposed does not meet the City's zoning code as it relates to the Development Standards and City's Inclusionary Housing Ordinance (IHO). Therefore, a Planned Development (PD) would be required in order to deviate from the City's zoning regulations and the project is required to provide a Substantial Public Benefit as defined in Section 18.30.050 of the Zoning Code. Additionally, the project also needs the adoption of Findings of Significance and a Statement of Overriding Considerations as it relates to Transportation and Agriculture in order to certify the EIR.

The Findings of Significance and the Statement of Overriding Considerations have been included as an attachment to the EIR Resolution. The language in the proposed PD requires the project to meet the IHO and further requires construction of all required BMR units in an effort to be responsive to the Housing Element's reference to racially concentrated areas of affluence as reflected in Draft Resolution #1.

The project must include one or more substantial public benefits to be rezoned as a PD. As recommended by staff, the project can meet the Substantial Public Benefit with the currently proposed open space and the construction of a roundabout. Staff would have recommended approval of the project with the recommended PD standards; however, the applicant has stated their unwillingness to conform with the City's IHO.

The State of California requires cities to adopt programs that further fair housing. In 2018, the City of Morgan Hill adopted the IHO requiring residential developments to provide 15% of the units (and 10% in Downtown) as Below Market Rate (BMR) units as part of the City's efforts to create and maintain an income-based affordable housing inventory. The IHO provides rent and ownership price-restricted affordable housing to encourage an economically balanced and inclusive

community. The IHO also requires the inclusionary units to 1) be dispersed among all product types, 2) be proportionate in number among each of the product types and 3) be geographically and proportionally dispersed. These development standards support the City's efforts to create a supply of housing for persons at all income levels, ensuring everyone is receiving fair and equal treatment and helping Morgan Hill be an inclusive and welcoming community. These are the values grounded in the City's IHO, and they are reflected in the development fabric in the City, where affordable housing is integrated within the developments and dispersed throughout the community.

The project as proposed by the applicant is not in compliance with the City's fair housing objectives. In fact, as proposed, the applicant would not be meeting even the minimum affordability levels in the City's IHO. The project has a BMR unit obligation of 48 units, which must be disbursed throughout the entire project, across all product types. The total value obligation is currently estimated at \$17,290,391. Projects that do not comply with the IHO are not providing their fair share of affordable housing.

It is important that the City continues its long-standing commitment to providing affordable housing options as guided by the City's General Land Use Plan and its Housing Element to continue to create an economically balanced and inclusive community. Lack of consistency with the IHO makes the proposal inconsistent with the General Plan and the Municipal Code as a whole. Because of the inconsistency with both the General Plan and the Municipal Code, staff recommends denial of the application and adoption of Draft Resolution #2.

CEQA (California Environmental Quality Act):

An Environmental Impact Report (EIR) was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. An EIR is an informational document that evaluates potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project. As the Lead Agency for this project, the City of Morgan Hill is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. On June 25, 2021, a Notice of Preparation (NOP) was circulated for a 30-day public comment period and a scoping hearing was held on July 13, 2021 to receive feedback from the community on the existing setting. The Draft EIR, along with appendices, was made available for public review for a 60-day comment period between November 3, 2023 and January 3, 2024. A publicly noticed community Open House was held on Monday, December 4, 2023 to provide an opportunity for the public to discuss the project and submit verbal comments on the Draft EIR.

Responses to the Notice of Preparation for the Draft EIR and comments received during circulation of the Draft EIR are summarized and responses to those comments/letters are within the Final EIR which was posted on the Project webpage on the City's website on 8/27/2024.

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 proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The EIR identified impacts that can be reduced to a less than significant level with the implementation of mitigation. Each potential impact that has been reduced to a less than significant level are summarized in the Mitigation Monitoring and Report Program (MMRP) that is attached to this staff report. Significant environmental effects identified in the EIR related to agricultural resources (impacts related to conversion of Important Farmland) and transportation (impacts related to vehicle miles traveled) have been identified in the Final EIR to be significant and unavoidable and are listed below:

Agricultural Impact AG-1: Conversion of approximately 44 acres of Prime Farmland and approximately five acres of Farmland of Statewide Importance would constitute a significant impact to agricultural resources. (Significant and Unavoidable Impact)

Mitigation Measure MM AG-1.1: A minimum of one acre of agricultural land (1:1 mitigation ratio) shall be preserved for each acre of agricultural land changed to a non-agricultural use. The required acreage of area to be protected through an agricultural conservation easement or agricultural preservation in-lieu fee will depend on the measurement of affected area. The area of land designated as Prime Farmland and Farmland of Statewide Importance shall be used for calculating the required mitigation.

Mitigation Measure MM AG-1.2: Conversion of agricultural land shall require offsetting acquisition and/or dedication of agricultural conservation easements over approved agricultural mitigation land, or payment to the City of the agricultural preservation in-lieu fee, to support agricultural preservation activities. Developer acquisition/dedication of easements shall require the project to pay an agricultural lands preservation program stewardship fee to cover administrative costs and ongoing management and monitoring of the easements. Agricultural mitigation fees shall be required prior to the acceptance of a final map, or prior to issuance of building or grading permits. Easement dedication is required prior to issuance of building permits.

Finding: Based on the Farmland Mapping and Monitoring Program of the California Resources Agency Mapping System, the project site consists of approximately 44 acres of Prime Farmland and 5 acres of Statewide Importance Farmland. The project proposes to develop the site with residential uses. Conversion of the Prime Farmland would constitute a significant impact to agricultural resources. Consistent with the City's Agricultural Preservation Program and Agricultural Mitigation Ordinance, mitigation measures MM AG-1.1 and MM AG-1.2 require a minimum of one acre of agricultural land (1:1 mitigation ratio) to be preserved for each acre of agricultural land changed to a non-agricultural use and acquisition and/or dedication of agricultural conservation easements over approved agricultural mitigation land, or payment to the City of the agricultural preservation in-lieu fee. The project applicant will implement mitigation measures MM AG-1.1 and MM AG-1.2, however, the impact would not be reduced to a less than significant level because, while the project would preserve existing agricultural lands, it would not create any new agricultural lands to offset the loss of Prime and Statewide Importance farmland. There are no other feasible mitigation measures which could be implemented to reduce the loss of agricultural lands to a less than significant level, as CEQA case law affirms the principle that the loss of prime farmland is irreversible, and protection of other existing farmland does not fully offset the lost farmland, but rather prevents further loss. Therefore, the impact would remain significant and unavoidable.

Impacts related to agricultural resources 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 I, *Statement of Overriding Considerations*.

For a detailed description of impacts and mitigation measures, see the appropriate text within the Draft and Final EIR.

Transportation Impact TRN-1 and Impact TRN-C: The project would generate 33.25 vehicle miles traveled (VMT) daily per capita, exceeding the threshold of 20.94 VMT per capita. (Significant and Unavoidable Impact)

Mitigation Measure TRN-1.1: MM TRN-1.1: The project applicant shall develop and implement a Transportation Demand Management (TDM) plan which targets a reduction in residential vehicle trips to and from the site. The TDM plan shall 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 shall require the following measures:

- Prior to project occupancy, the project applicant shall make a financial contribution to the City's on-site demand rideshare service (MoGo), as a one-time or annual financial contribution based on City's approval.
- The project shall improve the surrounding pedestrian network by including sidewalks, which terminate at the common property line, allowing for connections to the adjacent property in the event there is future development.

Finding: The project would result in VMT per capita of 33.25, while citywide VMT per capita is 24.64, and the OPR threshold relied upon in the EIR was 20.94 VMT per capita. Using OPR's impact thresholds, the project would need to implement VMT reduction measures to achieve a 24 percent reduction (27.41 to 20.94) in its VMT per capita for the proposed residential uses to reduce its impact to less than significant level. Mitigation measure TRN-1.1 requires the project applicant to make a financial contribution to the City's on-site demand rideshare service, as a one-time or annual financial contribution based on City approval. VMT tool does not include a feature which calculates VMT reduction from the project applicant's contribution to the City's on-site demand rideshare service. The project design features would encourage the use of pedestrian and bicycle facilities, but not to a degree which would have any measurable effect on project VMT. Therefore, the project VMT would continue to be above the 20.94 VMT per capita threshold. There are no other feasible mitigation measures which could be implemented to reduce the transportation impacts. Measures such as carshare programs and transit service expansion programs would not be feasible given the costs to maintain such programs. As mentioned above, even with the implementation of these measures, the project VMT would be above the VMT per capita threshold. 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 I, *Statement of Overriding Considerations*.

COMMUNITY ENGAGEMENT:

Preliminary Application: A project webpage was created on the Morgan Hill website after receipt of the application. The preliminary application (SR2020-0006) was publicly noticed (mailed to property owners within 600-feet of the project site and newspaper legal notice) for the minimum 10-day period and two public notice signs were posted at the property location pursuant to the Planning Division requirement for the September 8, 2020 Planning Commission meeting.

Environmental Review: A Notice of Preparation (NOP) for an Environmental Impact Report (EIR) was publicly noticed in the newspaper, mailed to adjacent property owners, and posted on the project webpage. The NOP was circulated on June 25, 2021 for a 30-day public comment period. A public scoping meeting was publicly noticed in the newspaper, mailed to adjacent property owners, and posted on the project webpage. The scoping meeting was held via Zoom on July 13,

2021. Staff and the CEQA consultants provided a brief presentation summarizing the project proposal, explained the environmental review process, and received public feedback on the existing environmental setting and potential project related environmental impacts. The Draft EIR was publicly noticed in the newspaper, mailed to adjacent property owners, and posted on the project webpage. Hard copies were also available for public viewing at City Hall, Morgan Hill Library, and Community Cultural Center. The Draft EIR was circulated for 60 days between November 3, 2023 and January 3, 2024. A publicly noticed community Open House was held on Monday, December 4, 2023 to provide an opportunity for the public to discuss the project and submit verbal comments on the Draft EIR. Final EIR posted on the project webpage on August 27, 2024 and emailed to commenters on September 19, 2024.

Planned Development Application: Project was sent through the City's 411 ablest on Friday September 20, 2024. The proposed project was publicly noticed, including a mailing to property owners within 600 feet of the project site, and within the newspaper for the minimum 10-day period. The project webpage was updated, and a project site sign was posted pursuant to the Planning Division requirements.

ATTACHMENTS:

1. Resolution - Recommend Certification of New Horizons EIR with Overriding Consideration
2. Draft EIR and Appendices
3. Morgan Hill Devco Final EIR August 2024
4. Morgan Hill Devco Project MMRP August 2024
5. Draft Resolution #1 - Planned Development Recommendation of Approval to Council
6. Exhibit A. New Horizons Planned Development Standards Final Draft
7. Attachment A. to Planned Development Standards
8. Attachment B. to Planned Development Standards, Comprehensive Plan Set
9. Draft Resolution #2 - Planned Development Recommendation of denial to Council

RESOLUTION NO. 12-12

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL RECOMMENDING THAT
THE CITY COUNCIL CERTIFY THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE NEW
HORIZONS (HILL – MORGAN HILL DEVCO) 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 2021060587) was prepared for the New Horizons (Hill – Morgan Hill Devco) Project in accordance with the California Environmental Quality Act (CEQA). A Notice of Preparation (NOP) was circulated between June 25, 2021 and July 25, 2021 and a scoping meeting was held on July 13, 2021 to receive comments regarding the scope and content of the EIR. The Draft EIR was circulated between November 3, 2023 and January 3, 2024 and a Community Open House held on December 4, 2023 to provide opportunity for the public to submit verbal comments and written comments on the EIR; and

WHEREAS, the City of Morgan Hill received comments on the Draft EIR by individuals / organizations. Responses to those comments and minor changes to the Draft EIR were included in a Final EIR document in accordance with the requirements of CEQA; and

WHEREAS, the information contained in the Final EIR, consisting of the Draft EIR document in combination with the Final EIR document, was reviewed and considered by the Planning Commission at a duly-noticed Planning Commission public hearing held on September 24, 2024; and the Planning Commission took action to recommend to the City Council that the Final EIR be certified as being found complete, correct, and in substantial compliance with the requirements of the California Environmental Quality Act; and

WHEREAS, the Environmental Impact Report concluded that implementation of the Project could result in two significant and unavoidable impacts on the environment and identified mitigation measures that would reduce some but not all of those significant impacts 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 and unavoidable environmental impacts, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce significant and unavoidable environmental impact(s) 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 and unavoidable impact(s) 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 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 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: RECOMMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS TO THE CITY COUNCIL OF THE CITY OF MORGAN HILL REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE NEW HORIZONS (HILL – MORGAN HILL DEVCO) 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 EIR has been completed in compliance with CEQA.

PASSED AND ADOPTED THIS 24th DAY OF SEPTEMBER 2024, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

LIAM DOWNEY, 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 NEW HORIZONS (HILL – MORGAN HILL DEVCO) PROJECT (State Clearinghouse No. 2021060587)

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 Crosswinds Residential (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 proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

A. ENVIRONMENTAL REVIEW PROCESS

The Environmental Impact Report (EIR) prepared by the City of Morgan Hill (City) in consultation with David J. Powers & Associates for the New Horizons (Hill – Morgan Hill Devco) Project (project) consists of the Draft EIR (Draft EIR) and the Final EIR / Response to Comments on the Draft EIR.

On June 25, 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 EIR was made available for public review for a 60-day comment period that began on November 3, 2023 and ended on January 3, 2024. The Notice of Availability of a Draft EIR 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 of Morgan Hill received verbal and written comments during the public comment period.

The City released the Final EIR for public review on August 27, 2024. The Final EIR consists of copies of all comments received on the Draft EIR, a list of commenters, all responses to comments, and Draft EIR text revisions. The Final EIR, Draft EIR, and Mitigation Monitoring and Reporting Program (MMRP) together comprise the EIR for the project. The analysis and conclusions contained in the EIR reflect the independent judgment of the City.

B. PROJECT DESCRIPTION

Section 3 of the Draft EIR includes a detailed description of the project. Other than minor clarifications, no revisions to the project description were required.

The approximately 69.4-acre project site is located at the northeast quadrant of Barrett Avenue and Hill Road in the City of Morgan Hill (Assessor’s Parcel Number [APN] 817-20-031). The project site is largely undeveloped, and the ground is predominantly fallowed. There are four vacant structures, formerly used for agricultural purposes, totaling approximately 25,000 square feet on the southeastern portion of the site, surrounded by trees. PG&E has easements for two existing gas lines on the eastern portion of the project site. There is an existing retention basin on the southwestern portion of the site. Tennant Creek bisects the project site from the northwest boundary to southwest boundary. The project site is bounded by Barrett Avenue, agricultural land, and rural residences to the south; Hill Road, warehouse/storage structures, industrial structures, and rural residences to the west; and single-family residences to the north

and east. Sorrel Way is located northeast of the site. Jackson Park and Jackson Elementary School are located northerly adjacent to the project site.

The proposed project would remove the existing structures and develop the project site with a total of 320 residential units. The project proposes to subdivide the project site into 320 lots. The new lots would facilitate the development of 223 one- to two-story single-family detached houses, 42 court-style houses, 21 senior (i.e., age-restricted) cottages, 34 senior duet units. Out of the 223 single family homes, 23 of them include an accessory dwelling unit (ADU), and all 21 senior cottage units include an ADU. The maximum height of the residences would be 26 feet above the ground surface and would vary between one to two stories. Single-family detached houses would be located throughout the entire site. The age-restricted cottages and duets would be centrally located on the site. The project would include approximately six acres of private open space and four acres of public open space. The project also proposes off-site improvements to Jackson Park, Jackson Elementary School, Hill Road, and Barrett Avenue

The project as proposed results in two significant and unavoidable impacts on agricultural resources and transportation.

The EIR evaluates four project alternatives that are further discussed in section “F. Alternatives” of this Resolution.

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 EIR related to agriculture resources (impacts related to conversion of Important Farmland) and transportation (impacts related to vehicle miles traveled [VMT]). The Final EIR identified the following impacts associated with the project that would be significant and unavoidable:

1. **Agricultural Impact AG-1:** Conversion of approximately 44 acres of Prime Farmland and approximately five acres of Farmland of Statewide Importance would constitute a significant impact to agricultural resources. (Significant and Unavoidable Impact)

Mitigation Measure MM AG-1.1: A minimum of one acre of agricultural land (1:1 mitigation ratio) shall be preserved for each acre of agricultural land changed to a non-agricultural use. The required acreage of area to be protected through an agricultural conservation easement or agricultural preservation in-lieu fee will depend on the measurement of affected area. The area of land designated as Prime Farmland and Farmland of Statewide Importance shall be used for calculating the required mitigation.

Mitigation Measure MM AG-1.2: Conversion of agricultural land shall require offsetting acquisition and/or dedication of agricultural conservation easements over approved agricultural mitigation land, or payment to the City of the agricultural preservation in-lieu fee, to support agricultural preservation activities. Developer acquisition/dedication of easements shall require the project to pay an agricultural lands preservation program stewardship fee to cover administrative costs and ongoing management and monitoring of the easements. Agricultural mitigation fees shall be required prior to the acceptance of a final map, or prior to issuance of building or grading permits. Easement dedication is required prior to issuance of building permits.

Finding: Based on the Farmland Mapping and Monitoring Program of the California Resources Agency Mapping System, the project site consists of approximately 44 acres of Prime Farmland and 5 acres of Statewide Importance Farmland. The project proposes to develop the site with residential uses. Conversion of the Prime Farmland would constitute a significant impact to agricultural resources. Consistent with the City's Agricultural Preservation Program and Agricultural Mitigation Ordinance, mitigation measures MM AG-1.1 and MM AG-1.2 require a minimum of one acre of agricultural land (1:1 mitigation ratio) to be preserved for each acre of agricultural land changed to a non-agricultural use and acquisition and/or dedication of agricultural conservation easements over approved agricultural mitigation land, or payment to the City of the agricultural preservation in-lieu fee. The project applicant will implement mitigation measures MM AG-1.1 and MM AG-1.2, however, the impact would not be reduced to a less than significant level because, while the project would preserve existing agricultural lands, it would not create any new agricultural lands to offset the loss of Prime and Statewide Importance farmland. There are no other feasible mitigation measures which could be implemented to reduce the loss of agricultural lands to a less than significant level, as CEQA case law affirms the principle that the loss of prime farmland is irreversible, and protection of other existing farmland does not fully offset the lost farmland, but rather prevents further loss. Therefore, the impact would remain significant and unavoidable.

Impacts related to agricultural resources 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 I, *Statement of Overriding Considerations*.

For a detailed description of impacts and mitigation measures, see the appropriate text within the Draft and Final EIR.

2. Transportation Impact TRN-1 and Impact TRN-C: The project would generate 33.25 vehicle miles traveled (VMT) daily per capita, exceeding the threshold of 20.94 VMT per capita. (Significant and Unavoidable Impact)

Mitigation Measure TRN-1.1: MM TRN-1.1: The project applicant shall develop and implement a Transportation Demand Management (TDM) plan which targets a

reduction in residential vehicle trips to and from the site. The TDM plan shall 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 shall require the following measures:

- Prior to project occupancy, the project applicant shall make a financial contribution to the City's on-site demand rideshare service (MoGo), as a one-time or annual financial contribution based on City's approval.
- The project shall improve the surrounding pedestrian network by including sidewalks, which terminate at the common property line, allowing for connections to the adjacent property in the event there is future development.

Finding: The project would result in VMT per capita of 33.25, while citywide VMT per capita is 24.64, and the OPR threshold relied upon in the EIR was 20.94 VMT per capita. Using OPR's impact thresholds, the project would need to implement VMT reduction measures to achieve a 24 percent reduction (27.41 to 20.94) in its VMT per capita for the proposed residential uses to reduce its impact to less than significant level. Mitigation measure TRN-1.1 requires the project applicant to make a financial contribution to the City's on-site demand rideshare service, as a one-time or annual financial contribution based on City approval. VMT tool does not include a feature which calculates VMT reduction from the project applicant's contribution to the City's on-site demand rideshare service. The project design features would encourage the use of pedestrian and bicycle facilities, but not to a degree which would have any measurable effect on project VMT. Therefore, the project VMT would continue to be above the 20.94 VMT per capita threshold. There are no other feasible mitigation measures which could be implemented to reduce the transportation impacts. Measures such as carshare programs and transit service expansion programs would not be feasible given the costs to maintain such programs. As mentioned above, even with the implementation of these measures, the project VMT would be above the VMT per capita threshold. 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 I, *Statement of Overriding Considerations*, below.

D. SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR 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 EIR 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 EIR 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 EIR.

The Final EIR 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 EIR:

1. **Air Quality:** The project construction would exceed the Bay Area Air Quality Management District (BAAQMD) significance threshold for reactive organic gasses (ROGs). Additionally, the project would exceed the BAAQMD single-source significance threshold for cancer risks at the maximally exposed individuals (MEI) location during construction. With the implementation of the mitigation measures MM AIR-1.1 and MM AIR 2.1, these impacts would be reduced to less than significant.

MM AIR1.1: During project construction, the project applicant shall use “super-compliant” low volatile organic compound (i.e., VOC) coatings that have emissions lower than current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 50 percent of all residential interior paints and 50 percent of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project’s operational lifetime. At least 50 percent of coatings applied must meet a “super-compliant” VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project’s operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low VOC coatings to be used. Examples of “super-compliant” coatings are contained in the South Coast Air Quality Management District’s website.

MM AIR 2.1: Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Development Services Director that reduces diesel particulate matter emissions by 50 percent such that increased cancer risk and annual PM2.5 concentrations would be reduced below TAC significance levels. The plan shall include the following:

1. 60 percent of all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards and the remaining 40 percent shall meet U.S. EPA Tier 3 emission standards, if feasible, otherwise,

- If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB verifiable diesel emission control devices that altogether achieve a 50 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment. Alternatively, or in combination,
- Use of electrical or non-diesel equipment with lower particulate matter emissions that meet the PM reduction requirements above.

2. Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 50 percent or greater. Elements of the plan could include a combination of some of the following measures:

- Implementation of No. 1 above to use 60 percent Tier 4 and 40 percent Tier 3 or alternatively fueled equipment,
- Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
- Use of electrically-powered equipment,
- Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build-out plans to lengthen phases, and
- Implementation of different building techniques that result in less diesel equipment usage.

Finding: The proposed project will implement mitigation measures AIR-1.1 and AIR - 2.1, and reduce the impacts to a less than significant level.

2. **Biological Resources Impact:** The project could have a substantial adverse effect on nesting bird activity, burrowing owl habitat or individuals, roosting bats, monarch butterfly eggs, larvae, or pupae during construction. Additionally, the project would result in riparian encroachment what would constitute a significant impact. With the implementation of mitigation measures listed below, this impact would be reduced to less than significant.

MM BIO-1.1: To the extent feasible, construction activities shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31, inclusive.

If construction activities and/or tree removal cannot be scheduled to occur between September 1 and January 31, preconstruction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to ensure that no nests will be disturbed during project implementation. These surveys shall be conducted no more than seven days prior to the initiation of demolition or construction activities including tree removal and pruning. During this survey, the ornithologist will inspect all trees

and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. The written report shall indicate the results of the survey, a map of identified active nests, and any designated buffer zones or other protective measures to be implemented with the project.

MM BIO-2.1: If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a disturbance-free buffer zone to be established around the nest (typically 250 feet for raptors and 50-100 feet for other species) that will remain off limits to construction until the nesting season is over, to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Wildlife Code will be disturbed during project implementation. A report indicating the result of the survey and any designated buffer zones shall be submitted to the satisfaction of the City's Development Services Director or Director's designee prior to removal of trees and issuance of a grading permit.

MM BIO 3.1: A pre-activity survey for day-roosting bats shall be conducted prior to the onset of demolition of existing buildings or ground-disturbing activities within 100 feet of existing buildings. A qualified biologist will conduct a survey for evidence of bat use within suitable habitat. If evidence of use is observed, but the biologist is unable to determine whether or not the roost is occupied at that time, a dusk acoustic survey may be necessary to determine if bats are present and to identify the specific location of any bat colony. If no active bat day roost is located, no further measures are necessary. The report indicating the result of the survey shall be submitted to the satisfaction of the Development Services Director or Director's designee prior to initiation of construction activities (demolition or ground-disturbing activities). If an active day roost is located during the maternity season (March 15 to July 31), the biologist will attempt to determine whether the roost is occupied by nonbreeding bats (e.g., a bachelor roost consisting of males) or whether the roost is occupied by females with young. If females with young are present, a disturbance-free buffer zone (determined by a qualified bat biologist) shall be implemented until July 31, or until the young are able to fly independently (whichever occurs first). If a non-maternity roost is present during the maternity season, or during the nonmaternity season, the individuals shall be safely evicted between August 1 and October 15 or between February 15 and March 16 under the supervision of, and following eviction methods developed by, a qualified biologist. Demolition or construction can begin after the bats have been evicted.

MM BIO-4.1: In the San Francisco Bay area, monarch butterflies may begin laying eggs as early as March, and the last generation of the year hatches in September

and October. Therefore, if milkweed plants are impacted from November through February, they are not expected to support eggs, larvae, or pupae, and no measures are necessary for project activities during the period November 1 through the end of February.

Prior to disturbance of any vegetated habitat that could support milkweed during the period March 1 through October 31, surveys shall be performed for the species' larval host plants. This survey shall occur within 2 weeks prior to the start of construction. A qualified biologist will survey the project impact areas, as well as surrounding areas within 50 feet (to the extent access allows), to identify any larval host plants. Any detected host plants shall be checked for eggs, larvae, or pupae. If no host plants are detected, or if no monarch eggs, larvae, or pupae are detected on those plants, no further action will be necessary. The report indicating the result of the survey shall be submitted to the satisfaction of the Development Services Director or Director's designee prior to initiation of construction activities.

If monarch eggs, larvae, or pupae are detected, one of the following measures will be implemented:

- They will be protected by establishing a buffer zone around individual plants or populations. The buffer zone will be determined by a qualified biologist to avoid direct and indirect impacts (such as dust mobilization onto plants) on the monarchs and the plants on which eggs, larvae, or pupae occur. Project personnel and equipment shall not operate within such areas. All avoided larval host plants shall be clearly marked in the field with fencing or flagging. The buffer zone shall remain in place until monarchs are no longer present on those plants.

If larvae are detected within the survey area and impacts to the plants supporting those individuals cannot be delayed until the emergence of individual butterflies as adults, a qualified biologist may relocate larvae to milkweed plants more than 50 feet outside the impact area, if those milkweeds are not already occupied by monarch eggs or larvae.

Alternatively, raising monarch butterflies in captivity is feasible, and eggs, larvae, or pupae that cannot be avoided could be raised to maturity in captivity and then released into habitat having suitable nectar sources. Only a qualified biologist shall handle or raise monarchs. If the monarch butterfly is listed (e.g., under FESA) prior to implementation of these measures, appropriate approval from the USFWS would be necessary to handle or relocate monarchs, or to raise them in captivity.

MM BIO-5.1: Compensate for new urban development within setback. If a riparian setback exception is granted to the project, the project will introduce 0.18-acre of new urban development encroaching into the riparian setback. To compensate for this degradation of setback functions in the area, the project shall restore native riparian habitat at a 2:1 (restored area to impacted area) ratio, on an acreage basis, within other planned open space areas in the riparian setbacks. Native herbaceous

plant species appropriate to the local area such as deergrass and narrow leaf milkweed shall be planted within the creek bottom and slopes. Native trees and shrubs appropriate to the local area such as coast live oak and coyote brush shall be planted and maintained to provide additional wildlife habitat adjacent to Tennant Creek. Coordinate with Valley Water to determine whether any woody vegetation can be planted within the banks of the creek or whether it would need to be installed above the top of bank, in order to ensure flood flows are not impeded by vegetation in the channel. A qualified restoration ecologist shall develop a riparian setback enhancement and monitoring plan, which will contain the following components:

- Goal of the restoration to achieve no net loss of habitat functions and values;
- Restoration design (planting plan, soil amendments and other site preparation elements as appropriate, maintenance plan, and remedial measures/adaptive management);
- Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc). At a minimum, success criteria will include elimination of non-native woody species from within the enhancement area and establishment of native trees and shrubs; and
- Contingency plan for mitigation elements that do not meet performance or final success criteria.
- The plan shall be approved by the City of Morgan Hill and the Santa Clara Valley Habitat Agency prior to initiation of impacts to currently undeveloped habitat within the riparian setback.

Finding: The proposed project will implement mitigation measures BIO-1.1, BIO-2.1, BIO-3.1, BIO-4.1, and BIO-5.1 and reduce the impacts to a less than significant level.

3. **Cultural Resources Impact:** Gound-disturbing construction activities could result in impacts to archaeological resources without mitigation. With the implementation of mitigation measures MM CUL-1.1 and MM CUL-1.2, this impact would be reduced to less than significant.

MM CUL-2.1: A moderate potential exists for unrecorded historic period archaeological resources to be within the project area. The developer shall enter into written contracts with an archaeologist and the Tamien Nation Tribe, and pay all fees associated with the activities required by this Mitigation Measure. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply:

- (a) Prior to the start of grading or earthmoving activity (includes demolition and moving of heavy equipment on site) on the “first day of construction,” the archaeologist and Tribal Monitor shall hold a pre-construction meeting for the purposes of “cultural sensitivity training” with the general contractor or subcontractors.

(b) A Tamien Nation Tribal Monitor shall be present on-site to monitor all ground-disturbing activities and an archaeologist shall be on-call. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:

1. Work at the location of the find shall halt immediately within fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter.
2. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist shall prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find.
3. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist shall determine if the resource can be avoided and shall detail avoidance procedures in a formal memo/letter.
4. If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director or Director's designee. The action plan shall be in conformance with California Public Resources Code 21083.2. An archaeologist shall be on-call during ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below.

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

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

2. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
3. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.

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

(e) An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).

(f) The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County Coroner if considered prudent to avoid further disturbances.

(g) The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:

- The City of Morgan Hill Development Services Director (408) 779-7247
- The Contractor's Point(s) of Contact
- The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
- The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
- The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
- The Tamien Nation (707)295-4011 (office) and (925)336-5359 (THPO)

(h) The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.

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

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

(k) Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director or Director's designee, the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.

(l) If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

MM CUL-1.2: The project applicant shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials. Any archaeological site information supplied to the Contractor Foreman or authorized representative shall be considered confidential. Information on the project plans shall be verified by the City's Development Services Director or Director's designee prior to issuance of a grading permit or any building permit.

Finding: Implementation of MM CUL-1.1 and MM CUL-1.2 above would ensure that contractors and their employees are alerted to the potential presence of subsurface archaeological resources and trained on how to respond to any potential discoveries, thus ensuring that any unknown subsurface archaeological resources present within the APE would be identified during construction. MM CUL1.1 and MM CUL-1.2 guarantee that any archaeological resources present within the project site are evaluated by a professional archaeologist and treated in accordance with California Public Resources Code Section 15064.5, as required by CEQA. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource. (Less than Significant Impact with Mitigation Incorporated)

4. **Greenhouse Gas Emissions:** The project would exceed the BAAQMD annual emissions bright-line threshold and service population threshold for greenhouse gas (GHG) emissions. With the implementation of mitigation measure MM GHG 1.1 this impact would be reduced to less than significant.

MM GHG-1.1: Prior to issuance of grading permits on the project, the project applicant shall submit and implement a GHG reduction plan to the Development Services Director or Director's designee that reduces the project's operational GHG emissions in 2028 by 841 MT CO₂e/year. The GHG reduction plan shall be implemented until the City adopts its GHG reduction plan consistent with the State's interim 2030 GHG emissions reduction target of 40 percent below 1990 levels. All feasible project design and operational measures shall be implemented prior to the purchase of credits. The GHG reduction plan shall include a combination of the measures listed below to reduce project GHG impacts:

- Implementation of a transportation demand management (TDM) program to reduce mobile GHG emissions;
- Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power;
- Provide infrastructure for electric vehicle charging in residential units and parking areas (i.e., provide 220 VAC power);
- Increase water conservation above State average conditions for residential uses by installing low flow water utilities and irrigation; and
- Purchase verifiable carbon emission offsets that meet all of the following standards:
 - Registry Performance Standards: The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the WRI/WBCSD Greenhouse Gas Protocol for Project Accounting:
 - The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City's Development Services Director or his or her designee, any governmental entity, or any stakeholder,
 - The registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure.
 - Carbon Offset Credit Performance Standards: The carbon offset credits retired by the applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable. To demonstrate compliance with such requirements, the developer shall provide the following to the City's Development Services Director or his or her designee: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Development Services Director or his or her designee shall reject any carbon offset credits that do not comply with these requirements, and

where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Development Services Director or his or her designee shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used.

- Geographic Limitations: The carbon offsets shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure.
- Enforcement: The permits relating to the project shall be conditioned on achievement of GHG mitigation milestones. The purchase and retirement of carbon offset credits required to mitigate the GHG emissions resulting from the operation of the project shall be a condition of the issuance of a certificate of occupancy, temporary or permanent, for the project and as an issuance for continued operation. Should the City determine that the offset credits are non-compliant with the requirements in this mitigation measure, the City may issue a notice of non-consistency and cease permitting activities and/or stop project operations, until the City determines via an issued public notice that the offsets comply with the aforementioned standards.

Finding: Some of the measures involve project features or operational measures that would serve to reduce project emissions. However, it may not be possible to accomplish the required reduction solely through the design and operation of the project, in which case the use of carbon offsets would be required. Carbon offsets, as purchased through a verified registry, are a feasible and appropriate method to reduce a project's GHG emissions and is recognized by BAAQMD and CARB. Because the project would be required to purchase whatever remaining amount of GHG reduction was required, after exhausting on-site reduction options such as those listed above, the project's GHG emissions would be reduced to a level below the applicable 2030 target. Therefore, implementation of a GHG reduction plan, as set forth in the mitigation measure above, would reduce the project's GHG emissions impact to a less than significant level. (Less than Significant Impact with Mitigation Incorporated)

5. **Hazards and Hazardous Materials:** Contaminated soils have the potential to release chemicals to the environment that could expose construction workers and nearby land uses. The project would demolish the existing buildings, which could release asbestos particles and expose construction workers and nearby residents to harmful levels of asbestos. Additionally, there is an existing well on site. Improper abandonment of wells and septic systems on-site could result in groundwater contamination. With implementation of mitigation measure HAZ-1.1, HAZ 2.1, and HAZ 3.1, these impacts will be reduced to a Less than Significant Impact with Mitigation Incorporated.

MM HAZ-1.1: Prior to issuance of a site grading permit, a corrective action/risk management plan (e.g., remedial action plan, removal action workplan, or Site Management Plan) shall be prepared that reflects the results of the on-site investigations. The corrective action/risk management plan shall describe mitigation measures (e.g., removal of contaminated soil) necessary to protect the health and safety of construction workers, nearby residents, and the environment, and establish appropriate management practices for handling and monitoring of impacted soil that may be encountered during construction activities. The corrective action/risk management plan shall describe protocols for the profiling of soil, if any, planned for off-site disposal. The corrective action/risk management plan should be prepared by an environmental professional and be submitted to an appropriate overseeing regulatory agency (e.g., Water Board, California DTSC, or SCCDEH) for review. Regulatory agency approval shall be obtained prior to commencing earthwork activities in the vicinity of the identified impacted soil. This measure shall be completed under regulatory agency oversight and meet all applicable federal, state, and local laws, regulations, and requirements. Following completion, a report documenting compliance with the provisions of the corrective action/risk management plan and describing the work completed shall be submitted to and approved by the overseeing regulatory agency.

MM HAZ-2.1: Prior to issuance of a demolition permit for onsite structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Division an asbestos and lead survey. If asbestos-containing materials or lead containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.

MM HAZ-3.1: Prior to issuance of a grading permit, the project applicant shall research well records from Valley Water and attempt to locate abandoned wells at the site. If a well is located on site, the project applicant or contractor shall contact Valley Water's Wells Hotline immediately to assist in the identification of

abandoned/unregistered wells or structures and help determine the appropriate means of addressing them. If the wells are identified, or subsequently encountered during earthwork activities, the applicant shall obtain a well destruction permit from Valley Water, and the wells shall be properly destroyed in accordance with Valley Water Ordinance 90-1. If septic systems are encountered during earthwork activities, those systems shall be abandoned in accordance with SCCDEH requirements.

Finding: With implementation of MM HAZ1.1 Contaminated soils disturbed during construction have the potential to release chemicals to the environment that could expose construction workers and nearby land uses. With implementation of MM HAZ-2.1 would ensure that hazardous conditions on-site would not create a significant hazard to the public or to the environment. Lastly, with implementation of MM HAZ-3.1, historic wells and septic systems on the site would be destroyed in accordance with Valley Water and SCCDEH requirements and would not result in significant impacts. (Less than Significant Impact with Mitigation Incorporated).

6. **Noise and Vibration:** Project construction would generate vibration levels that could damage adjacent buildings. The project would not result in generation of excessive ground borne vibration or ground borne noise levels. With the implementation of mitigation measure MM NOI-1.1, this impact would be reduced to less than significant.

MM NOI-1.1: To address potential impacts related to vibration, the project shall implement the following vibration controls:

- Prohibit the use of heavy vibration-generating construction equipment within 25 feet of residences. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 25 feet of residences to the north and east.
- Avoid dropping heavy equipment within 25 feet of residences. Use alternative methods, where feasible.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Avoid using vibratory rollers or tampers within 25 feet of sensitive uses.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- The contractor shall alert heavy equipment operators to the close proximity of the adjacent structures so they can exercise extra care.

Finding: Implementation of MM NOI-1.1 would reduce the project's vibration impacts to a less than significant level by ensuring that the minimum amount of vibration-generating equipment is used in proximity of the adjacent residences. (Less than Significant Impact with Mitigation Incorporated)

E. 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 EIR and adopted and incorporated into the project will be monitored pursuant to this program.

F. ALTERNATIVES

Pursuant to CEQA Guidelines Section 15126.6, the EIR 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 the No Project Alternative would be the environmentally superior alternative. However, pursuant to CEQA Guidelines Section 15126.6(e)(2), if the No Project Alternative/No Development Alternative is determined to be environmentally superior, the EIR shall also identify an environmentally superior alternative among the other alternatives. The alternatives considered by the City are summarized as follows.

Option 1. No Project/No Development Alternative, Option 2. No Project/Existing Plan Development Alternative, Option 3. Reduced Footprint – Agricultural Preservation Alternative, and Option 4. No Riparian Encroachment Alternative.

Option 1 - No Project/No Development Alternative is required by CEQA Section 15126.6(e) to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The CEQA Guidelines specifically advise that the No Project Alternative is "what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." The CEQA Guidelines emphasize that an EIR should take a practical approach, and not "...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment" (Section 15126.6[e][3][B]).

The No Project/No Development Alternative would not meet any of the project's objectives. The No Project Alternative would not construct a residential development that provides market-rate and age-restricted housing. In conclusion, the No Project/No Development Alternative is an environmentally superior alternative to the proposed project. Because the No Project/No Development Alternative would not result in any new development on the site, this alternative would avoid all environmental impacts of the project. This alternative would not, however, would not implement the site's General Plan land use designation of Medium Density Residential.

Option 2 - No Project/Developed Under Existing General Plan/Zoning Alternative. Under the No Project – Developed Under Existing General Plan/Zoning Development Alternative, the project site would be developed in conformance with the existing General Plan designation. The site is zoned as Residential Detached Medium Density and has a General Plan designation of Residential Detached Medium, which allows for up to seven dwelling units per acre. The EIR further explains that this option, similar to the proposed project, the No Project – Developed Under Existing General Plan/Zoning Development Alternative would still likely entail development activity across the majority of the project site and result in similar site disturbance. Therefore, the No Project Developed Under Existing General Plan/Zoning Development Alternative Existing Plan Alternative will have impacts similar to the proposed project related to aesthetics, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and tribal cultural resources. This alternative would also result in significant and unavoidable impacts to Transportation and Agricultural resource and therefore is not an environmentally superior alternative to the proposed project.

Option 3 – Reduced Footprint/Agricultural Preservation Alternative. The purpose of the Reduced Footprint Agricultural Preservation alternative is to reduce the identified impacts to agricultural resources. This Alternative would not include development on farmland and, therefore, would avoid the significant impact to agricultural resources. This alternative would require a reduction of 70 percent of the project units to maintain the same mix of unit types, site layout, and project amenities as the proposed project, but on the 30 percent of the site acreage that is not farmland. To maintain the full unit count on 30 percent of the site acreage would require a substantially more dense residential unit type (i.e., multi-story attached unit housing) than allowed by the current General Plan land use designation, and a substantially revised site layout that avoided the farmland.

This Alternative would avoid the significant and unavoidable agricultural resources impact but would not avoid the significant and unavoidable VMT impact. This alternative could meet most of the project objectives; however, by only achieving 30 percent of the proposed housing units, this alternative would not achieve the project objective of providing market-rate and senior housing to the same degree as the project. Additionally, an agricultural use on this site would be inconsistent with the General Plan land use designation.

Option 4 – No Riparian Encroachment Alternative. Under the No Riparian Encroachment Alternative, project development would occur outside of the 35-foot riparian setback zone to the drainage channel, and therefore, would have a less than significant impact on riparian habitat. This option has the same building out area and will have the similar impacts to transportation and agricultural. However, the New Horizons Planned Development Standards includes a standard requiring no development within the 35-foot riparian setback. The EIR concludes this alternative is superior, but because the project is conditioned to meet this setback, it is now the same.

New Horizons (Hill – Morgan Hill Devco) Project Proposal and Alternative Options
Conclusion - Among the alternatives that assume some development on the site, the environmentally superior alternative is the Reduced Footprint – Agricultural Preservation Alternative, since this alternative avoids one of the project's significant and unavoidable impacts. However, this alternative would only partially achieve project objectives and is not consistent with the City General Plan or Zoning Ordinance.

Therefore while Options 1 – 4 were evaluated in addition to the project proposal, the City of Morgan Hill City Council approves the Planned Development as proposed as the superior option.

The proposed project would require the following approvals:

- Certification of the EIR: Certify the New Horizons Hill – Morgan Hill Devco EIR and make environmental findings pursuant to CEQA.
- Zoning Amendment for a Planned Development Master Plan
- Subdivision Map
- Design Permit
- Off-Site Improvement Agreement
- Issuance of Demolition, Grading, Building, and Occupancy Permits
- Encroachment Permit from Valley Water (Sanitary Sewer Modifications)

G. RECIRCULATION NOT REQUIRED

No new or substantial changes to the EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications or additions to the EIR. The minor changes, clarifications, and additions to the EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts. Therefore, recirculation of the EIR is not required.

H. 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.

I. 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 EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)). The proposed project would result in significant and unavoidable impacts related to agricultural resources, even after incorporation of mitigation measures MM AG-1.1 and MM AG-1.2, which require a minimum of one acre of agricultural land (1:1 mitigation ratio) to be preserved for each acre of agricultural land changed to a non-agricultural use and acquisition and/or dedication of agricultural conservation easements over approved agricultural mitigation land, or payment to the City of the agricultural preservation in-lieu fee, and VMT, even after incorporation of Mitigation Measure MM TRN-1.1, which requires a financial contribution to the City's on-site demand rideshare service and improving the surrounding pedestrian network by including sidewalks.

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 housing, including BMR units, 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.

J. SUBSTANTIAL EVIDENCE SUPPORTING FINDINGS

Substantial evidence supporting each and every finding made herein is contained in the Final EIR and record of proceedings. Omission of reference in these findings to any evidence in the EIR 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 EIR 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.

Draft Environmental Impact Report (PDF)

- [Appendix A: NOP and NOP Comments \(PDF\)](#)
- [Appendix B - Air Quality and Greenhouse Gas Assessment \(PDF\)](#)
- [Appendix C - Tree Inventory \(PDF\)](#)
- [Appendix D - Biological Resources Report \(PDF\)](#)
- [Appendix E - Architectural Survey Report \(PDF\)](#)
- [Appendix F - Phase 1 ESA \(PDF\)](#)
- [Appendix G - Supplemental Soil Quality Evaluation \(PDF\)](#)
- [Appendix H - Flooding and Drainage Study \(PDF\)](#)
- [Appendix I - Noise and Vibration Report \(PDF\)](#)
- [Appendix J - Transportation Analysis \(PDF\)](#)

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- Appendix D: Evaporation Estimates Memo
- Appendix E: Schaaf & Wheeler, Inc. Technical Responses to Valley Water Comments

Section 1.0 Introduction

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the Morgan Hill Devco Residential Project.

1.1 Purpose of the Final EIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City of Morgan Hill (City) and any Responsible Agencies in making decisions regarding the project. Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The Final EIR reflects the lead agency's independent judgment and analysis.

1.2 Contents of the Final EIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

1.3 Public Review

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review at the City of Morgan Hill, Community Development Department on weekdays during normal business hours. The Final EIR is also available for review on the City's website: <https://www.morganhill.ca.gov/2041/New-Horizons-Hill-Morgan-Hill-Devco-LLC>.

Section 2.0 Draft EIR Public Review Summary

The Draft EIR for the Morgan Hill Devco Residential Project, dated November 2023, was circulated to affected public agencies and interested parties for a 61-day review period from November 3, 2023 through January 3, 2024. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability (NOA) of Draft EIR was published on the City's website (<https://www.morganhill.ca.gov/2041/New-Horizons-Hill-Morgan-Hill-Devco-LLC>);
- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft EIR was delivered to the State Clearinghouse on November 3, 2023, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- Copies of the Draft EIR were made available on the City's website (<https://www.morganhill.ca.gov/2041/New-Horizons-Hill-Morgan-Hill-Devco-LLC>), City Hall, Public Library, and City Council Chambers.

Section 3.0 Draft EIR Recipients

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The NOA for the Draft EIR was sent to owners and occupants adjacent to the project site and to adjacent jurisdictions. The following agencies received a copy of the Draft EIR from the City or via the State Clearinghouse:

- Association of Bay Area Governments/Metropolitan Transportation Commission
- Bay Area Air Quality Management District
- California Air Resources Board
- California Department of Fish and Wildlife, Bay Delta Region 3
- California Department of Forestry and Fire Protection
- California Department of Transportation, District 4
- California Regional Water Quality Control Board, Central Coast Region 3 (RWQCB)
- City of Gilroy
- City of San José
- County of Santa Clara
- Santa Clara Valley Water District
- Santa Clara Valley Transportation Authority
- Morgan Hill Unified School District
- Santa Clara County Roads & Airports, Planning Division
- Native America Heritage Commission
- PG&E Review Team
- City of Los Banos
- Santa Clara Valley Audubon Society
- Amah Mutsun Tribal Band
- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Indian Canyon Mutsum Band of Costanoan
- Muwekma Ohlone Indian Tribe of San Francisco Bay Area
- North Valley Yokuts Tribe
- The Ohlone Indian Tribe

- Rumsen Am:a Tur:ataj Ohlone
- Tamien Nation
- Tribal Cultural Resources Office

Section 4.0 Responses to Draft EIR Comments

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of Morgan Hill on the Draft EIR.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of Morgan Hill are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below.

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Master Responses

The Santa Clara Valley Water District (Valley Water) provided substantial comments on the Draft EIR, which are presented below under Comment Letter C. Many of these comments were highly technical involving modeling assumptions and methodologies used in the Drainage Report that was included as Appendix H of the Draft EIR, prepared by the consulting civil engineering firm Schaaf & Wheeler, Inc. (S&W). The detailed comments by Valley Water required similarly detailed, technical responses, which were prepared in consultation with S&W, and are attached as Appendix E to this Final EIR. Since many of the comments within the Valley Water letter raised the same concerns and questions, more general master responses that would be useful to the decision-makers and general public have been prepared in order to provide comprehensive answers in one location and avoid redundancy throughout the individual responses. Cross-references to master responses are made, when appropriate, in individual responses.

Master Response 1: Permitting and Regulatory Compliance – Valley Water requested the EIR clearly disclose that Valley Water and the U.S. Bureau of Reclamation (Bureau) own and operate a federal water line within the Bureau easement on the site. As such, Valley Water and the Bureau must review any improvements or utility connections that require excavation, impede or interfere with Valley Water or Bureau access, or encroach onto the Bureau easement. Pages 12 and 13 of the Draft EIR have been updated with a clarification that approval will be needed from the Bureau and/or Valley Water for improvements that require excavation, interfere with agency access to the federal water pipeline, or encroach into the easement. Refer to Section 5.0 Draft EIR Text Revisions.

Master Response 2: Primary Source of Water – The project applicant initially proposed to use the existing well closest to Tennant Creek (near proposed Lot 256, as shown on the tentative map) as the primary source of water for filling the pond, with the Bureau water line as a secondary source. However, the City will not allow the project to use water from either of the on-site wells because of the potential for cross contamination to occur from the well's proximity to a public system and because of the City's Water Conservation Ordinance. The text on page 11 of the Draft EIR has been revised to clarify that none of the wells on-site will be used as a water source for the project, and that the only water source for the project will be the City's water system. Additionally, pages 11 and 219 of the Draft EIR have been revised to delete statements about the project connecting to the federal pipeline. These revisions are reflected in Section 5.0 Draft EIR Text Revisions and would not result in a change to the projected water demand because the Draft EIR's calculations conservatively included non-potable water in the total water demand. The use of potable water for the recreational pond would not be compliant with the City's Water Conservation Ordinance. The typical demand for a single-family residence in Morgan Hill is 393gpd per the City's WSMP¹. The pond's estimated 255 gpd would be less than the typical demand for a single-family residence in Morgan Hill; however, that water is meant to be used for a home, and to utilize that water instead for a non-public water amenity would not be consistent with the Water Conservation Ordinance.

Master Response 3: On-Site Drainage and Detention Basin – At the time the original Drainage Report was prepared by S&W (Appendix H in the Draft EIR), the plans and details of the storm drain

system installed for Tract 8481 were not available. Upon circulation of the Draft EIR, Valley Water provided records for the project area that show that the 36-inch storm drain reduces to a 21-inch pipe which increases in size to a 24-inch then 27-inch pipe, which discharges into the detention basin on-site. The detention basin was originally designed in 1993 to serve runoff from new development in Tract 8481 for a range of storm events up to a 100-year storm. The Drainage Report has been updated to account for the 21-, 24-, and 27-inch storm drain pipes and associated detention basin under existing conditions.

Per the revised Drainage Report, the project would remove the existing detention basin and construct a new, larger detention basin which would adequately mitigate the two-year through 100-year events, would limit post-project runoff to pre project levels at Tennant Creek, and would not induce flooding on neighboring or downstream properties. The proposed project conditions (including new, larger detention basin) were sized in order to limit peak runoff at Tennant Creek to be at or below existing conditions. This inherently accounts for previous mitigation implemented to handle runoff resulting from development in Tract 8481, and the impacts due to increased runoff from additional impervious surfaces from the project for storm events ranging from two-year up to the 100-year recurrence period.

The Revised Drainage Report is attached to this Final EIR as Appendix C, and replaces Appendix H in the Draft EIR. As discussed in detail in Final EIR Appendix C, the updated stormwater modeling supports the EIR's determination that drainage patterns under project conditions are not substantially altered from existing conditions. See also Final EIR Appendix E for additional technical responses from S&W to Valley Water.

Valley Water's comments raise concerns that the existing detention basin needs to be re-modeled. To ensure Valley Water's comments are addressed appropriately at the proper stage of entitlements, additional modeling will be completed prior to issuance of the Planning Division Design and Tentative Map Permit to account for the existing detention basin and its effects on downstream flow rate. Text has been added explaining this, along with a measure requiring completion of the hydraulic study to be documented as part of future permitting, to page 141 of the EIR. See Section 5.0 Text Revisions.

Master Response 4: Floodway and Flood Hazards – The revised Drainage Report (Final EIR Appendix C) accounts for realignment and widening of the Tennant Creek channel, the proposed storm drain improvements along Barrett Avenue, and concludes project impacts to the 100-year water surface elevation would be less than significant. The report also follows Valley Water's Drainage Manual criteria for estimating peak runoff hydrographs in assessing drainage impacts and mitigation.

As noted in Master Response 3 above, the proposed detention basin sizing was assessed for storm events ranging from two-year up to the 100-year recurrence period. The revised Drainage Study shows the 100-year water surface would be contained in the Tennant Creek channel. The project applicant will submit a Letter of Map Revision (LOMR) to FEMA to capture changes to the Tennant Creek channel and floodway. The LOMR would demonstrate through the revised modeling, new

base flood elevations (BFEs), new floodway encroachments, and tie-in with the effective model as required by FEMA, that the increased project runoff along with pre-existing runoff from Tract 8481 would be effectively detained and not result significant impacts to downstream properties. See also Appendix E for additional technical responses from S&W.

Federal and State Agencies

A. California Department of Transportation (dated January 3, 2024)

Comment A.1: Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Morgan Hill Devco Residential project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the November 2023 DEIR.

Project Understanding

The proposed project would involve the development of 320 residential lots with areas for private open space and public open space. The project location is near State Route (SR)-101. The project would involve off site improvements to several local streets.

Response A.1: The comment summarizes the project and does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment A.2: Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project's VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the DEIR, this project is found to have a significant VMT impact.

Using Caltrans' Smart Mobility Framework Guide 2020 ([link](#)), the proposed project site is identified as a Suburban where community design and regional accessibility are weak. Given the place, type and size of the project, a robust Transportation Demand Management (TDM) plan should be developed to reduce VMT and greenhouse gas emissions from future development in this area. Please consider the following measures to mitigate the project's impact to VMT:

- Increased location efficiency
- Increased mixed-use development
- Increased transit accessibility
- Integration of affordable housing
- Pedestrian and bicycle network improvements
- Bus rapid transit
- Discounted transit programs
- Increase transit service frequency
- Provide local shuttles to increase transit outreach

The TDM plan should also be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

Response A.2: As discussed in Section 8.5 Selection of Alternatives, a Location Alternative was considered but rejected because the project proposes development of a site controlled by the applicant of approximately 69 acres, and it is not expected that the applicant could acquire and develop a similar size site elsewhere in Morgan Hill that would be situated near transit or that would otherwise allow for substantially reduced VMT compared to the proposed project. Therefore, increased location efficiency through selection of an alternative location is not a infeasible alternative for this private development.

Pedestrian and bicycle network improvements are included on pages 192 and 193 of the Draft EIR. As described in the Draft EIR, the project would install controlled crossings at the intersection of Hill Road and Dunne Avenue that would improve pedestrian safety and install new sidewalks along the project site that would promote connectivity. Additionally, the Draft EIR identifies improvements along the project frontage at Hill Road and Barrett Avenue to accommodate the implementation of new bike lanes as planned in the Bikeways Master Plan.

Regarding transit accessibility, bus rapid transit, discounted transit programs, increased transit service frequency, and local shuttles, these items were deemed infeasible during preparation of the Draft EIR. As noted on page 193 of the Draft EIR, the nearest bus stop to the project site is located 1.5 miles away, and no bus routes exist that provide direct service between the project site and other pedestrian destinations in Morgan Hill. Due to the site's lack of transit access, the City deemed that discounted transit programs would be infeasible for the proposed project. The City does not currently have a bus rapid transit system; as such, the inclusion of bus rapid transit as part of the project would not be feasible. While the Draft EIR does not include a measure requiring the project to provide local shuttles for future project residents, mitigation measure MM TRN-1.1 does require the project applicant to make a financial contribution to the City's rideshare service (MoGo).

Overall, the project alone, at 320 housing units, would not be capable of increasing citywide transit availability and frequency.

Lastly, the City, as the Lead Agency, has determined that language about monitoring and reporting on the project's TDM program is not necessary at this stage of the entitlement process. A TDM Plan shall be developed, in consultation with a qualified traffic consultant and the City of Morgan Hill Development Services Director or Designee, during the Design Permit Process. Specific requirements regarding monitoring and reporting shall be developed at that time.

Comment A.3: Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways require a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Response A.3: As discussed on page 186 of the Draft EIR, the nearest State roadway to the project site is the US 101 freeway. If the project developer eventually intends to move such vehicles during construction over the state highway system, they would apply for the necessary permit. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment A.4: Transportation Impact Fees

We encourage the lead agency to consider identifying project-generated travel demand and assessing the costs of transit and active transportation improvements necessitated by the proposed project. The viable funding sources such as development and/or transportation impact fees may also be utilized to implement the planned transportation improvement projects to sufficiently mitigate project impact.

Response A.4: The Draft EIR discusses project-generated travel demand in Section 4.17.3 Non-CEQA Effects. The Transportation Analysis (TA) prepared by Hexagon Transportation Consultants identified six intersections that would be adversely affected by the project. These intersections are listed on page 207 of the Draft EIR, followed by a discussion of the improvements required for each intersection. The improvements would either be implemented by the project, paid in full by the project applicant, or the project would contribute a proportional fair share of the in-lieu cost for future implementation of the improvement. The costs shall be determined by the City prior to approval of tentative map and/or design review.

Comment A.5: Lead Agency

As the Lead Agency, the City is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling,

implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Response A.5: Refer to Response A.4 above.

Regional and Local Agencies

B. Santa Clara Valley Transportation Authority (dated December 28, 2023)

Comment B.1: VTA appreciates the opportunity to comment on the DEIR for the New Horizons project located on the northeast quadrant of Hill Road and Barrett Avenue. VTA has reviewed the document and has the following comments:

Pedestrian Access

VTA noticed a possible gap in the pedestrian/trail network in the site plan. Overall, the project does a nice job of providing pedestrian/trail connections throughout the site and to neighboring land uses, but there is a gap circled in the screenshot of Figure 3.6-2 below, which seems to require people to walk far out of their way to get to the clubhouse/common areas or over to the elementary school. VTA recommends the project expand the proposed trail network to provide access between Streets J/M and Street C.



Response B.1: The comment pertains to the design of the project's pedestrian/trail network. The City will take this recommendation into consideration during the Design Permit Process. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment B.2: Additionally, VTA recommends the new curb ramps provided be designed to be directional curb ramps, rather than diagonal, and it is suggested that curb extensions be included to help reduce crossing distances for pedestrians and slow down drivers.

Response B.2: The comment pertains to the design of the project's curb ramps. The City will take this recommendation into consideration during the Design Permit Process. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment B.3: Lastly, VTA recommends against cul-de-sacs for emergency egress and overall site connectivity. If cul-de-sacs must be included in the design, they should include ADA-compliant pedestrian and bicycle access to adjacent roadways to reduce travel distances for residents.

Response B.3: The comment pertains to the design of the project's site connectivity. The City will take this recommendation into consideration during the Design Permit Process. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment B.4: VMT and GHG Impacts and Mitigation Measures

The DEIR states that the project would cause a Significant and Unavoidable Impact in terms of Vehicle Miles Traveled (VMT), Impact TRN-1. The DEIR finds that the project would exceed the BAAQMD annual emissions bright-line threshold and service population threshold for greenhouse gas (GHG) emissions, Impact GHG-1. The DEIR identifies the implementation of a Transportation Demand Management (TDM) Plan in the mitigation measures to address both impacts – MM-TRN-1.1 and MM-GHG-1.1.

The DEIR and TA Report (Appendix J) include somewhat inconsistent descriptions of the measures proposed to partially mitigate the project's VMT impact. The DEIR states that the MM-TRN-1.1 would include preparation of a TDM plan, which shall require a financial contribution to the City's MoGo on-demand rideshare service as well as improvements to the pedestrian network. Appendix J states that this TDM plan would include a financial contribution to the MoGo service or provision of free transit passes to project homeowners and pedestrian improvements.

Response B.4: The Transportation Analysis (TA) includes different sets of recommendations that could be implemented to mitigate the project's VMT impact. The TA does not require each recommendation to be implemented, and it is up to the discretion of the City as the Lead Agency to determine which recommendations are feasible for project implementation. The City reviewed these recommendations during preparation of the Draft EIR and determined that provision of free transit passes would be infeasible for the project because the project site is not located within proximity to transit. Further, as discussed on page 194 of the Draft EIR and page ii of the TA, the maximum reduction possible would reduce daily per capita VMT to 29.55, which would not reduce project VMT impacts to less than significant

levels (i.e., below the applicable threshold of 20.94 VMT daily per capita). For these reasons, this comment does not require text revisions to the Draft EIR or TA.

Comment B.5: VTA recommends that the City strengthen the TDM plans in MM-TRN-1.1 and MM-GHG-1.1 by requiring both a contribution to the MoGo service and provision of free transit passes to homeowners. The language about provision of free transit passes should state that the management entity/HOA would be required to provide one free pass per residential unit, rather than a “maximum of one transit subsidy per residential unit” since including a maximum without a minimum or specific number could allow the HOA to provide fewer passes than intended.

Response B.5: Refer to Response B.4 above explaining why the provision of free transit passes is infeasible for the project.

Comment B.6: VTA also recommends that the City include language about monitoring and reporting on the project’s TDM program to ensure that it is maintained over time. Best practices for TDM monitoring typically include engaging a third-party consultant or contractor directed by the City but paid for by the developer or management entity/HOA.

Response B.6: As discussed under Response A.2, the City has determined that language about monitoring and reporting on the project’s TDM program is not necessary at this time. A TDM Plan shall be developed, in consultation with a qualified traffic consultant and the City of Morgan Hill Development Services Director or Designee, during the Design Permit Process. Specific requirements regarding monitoring and reporting shall be developed at that time. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

C. Santa Clara Valley Water District (dated January 4, 2024)

Comment C.1: The Santa Clara Valley Water District (Valley Water) has reviewed the draft environmental impact report (EIR) for the proposed New Horizons project (Project), at the intersection of Barrett Avenue and Hill Road in Morgan Hill. Upon review of the draft EIR, Valley Water staff (Staff) has the following comments.

Section 1.2, MM HAZ-3.1 (Page xviii)

The draft EIR indicates (both in this section and Page 129, Abandoned Wells”) *“the project applicant shall research well records from Valley Water and attempt to locate abandoned wells at the site.”*

Valley Water’s Well Information App can be used to help located wells on the Project site:

<https://www.valleywater.org/contractors/doing-businesses-with-the-districts/wells-well-owners/well-information-app>. While the app indicates two active water supply wells on the Project

site, there could be unknown and abandoned wells on the Project site. Please coordinate this activity to identify and destroy wells with Valley Water’s staff at the Well Permitting and Inspections Hotline: 408-630-2770 (<https://www.valleywater.org/contractors/doing-businesses-with-the-districts/wells-well-owners>)

Response C.1: As mentioned in the comment, mitigation measure MM HAZ-3.1 on page 129 of the Draft EIR requires wells identified during earthwork activities to be properly destroyed in accordance with Valley Water Ordinance 90-1. MM HAZ-3.1 also requires the project applicant or contractor to contact Valley Water's Wells Hotline immediately to assist in the identification of abandoned/unregistered wells or structures and help determine the appropriate means of addressing them. As stated on page 129 of the Draft EIR, the implementation of mitigation measure MM HAZ-3.1 would ensure that the abandonment of the well and septic system does not result in a significant environmental impact. Thus, this comment does not require text revisions to the Draft EIR.

Comment C.2: Section 3.2.1, Site Access, Circulation, and Parking (Page 3)

This section states a 36-foot driveway is proposed on Hill Road; however, Figures 3.2-4 and 3.2-6 show a cul-de-sac where a driveway is shown on Figure 3.2-5. Please clarify the circulation plan and street improvements; this needs to be consistent throughout the document.

Response C.2: Figure 3.2-5 has been revised to reflect the correct site design, which includes the cul-de-sac at Hill Road. See Section 5.0 Draft EIR Text Revisions.

Comment C.3: Valley Water owns and operates a federal water line (Santa Clara Conduit) within the US Bureau of Reclamation (Bureau) easement on the site. Any improvements that require excavation or will impede or interfere with Valley Water or Bureau access to construct, re-construct, inspect, operate, or maintain the pipeline requires Valley Water and Bureau approval, which may require re-design to comply.

Response C.3: Refer to Master Response 1.

Comment C.4: Section 3.2.4, Utilities (Page 9)

This section states there will be new utility connections in Hill Road which may encroach onto the Bureau easement. Please see Comment 2 for Bureau and Valley Water permitting requirements.

Response C.4: Refer to Master Response 1.

Comment C.5: Additionally, this section mentions a proposal to connect to the Bureau pipeline for back-up non-potable water supply. Please be aware that Valley Water surface water diversion policies do not allow for new pipeline diversions for residential landscape irrigation purposes. The EIR should be amended to assume backup non-potable water supplies will not be approved, and any analysis relying on this assumption should be amended accordingly.

Response C.5: Refer to Master Response 2.

Comment C.6: Section 3.2.4, Utilities (Page 11)

The second paragraph indicates “*The existing on-site well would provide the primary source of water.*” If this sentence is referring to the water supply for the concrete-line pond, please add that detail to the sentence so there is no confusion that the well will be used for the potable or other water supply for the development.

Response C.6: Refer to Master Response 2.

Comment C.7: Also, based on Valley Water’s Well Information App (referenced in Comment 1), there appears to be two water supply wells (09S03E23Q002 and 09S03E23Q003) located on the Project site. Which well will be used as the primary source of water? If the other well will not be used, it should be properly destroyed following Valley Water guidelines. Please note that page 125 of the draft EIR acknowledges that there are two water supply wells on the Project site.

Response C.7: As discussed in Master Response 2, Neither well will be used as a water source for the project. The text on page 11 of the Draft EIR has been revised to state there are two water supply wells on-site. Refer to Section 5.0 Draft EIR Text Revisions.

Also, refer to Response C.1 for an explanation of how MM HAZ-3.1 requires any abandoned or unused wells identified during earthwork activities to be properly destroyed in accordance with Valley Water Ordinance 90-1.

Comment C.8: Section 3.2.8, Off-Site Improvements

See Comment 2 regarding approval requirements for working within the Bureau easement.

Response C.8: Refer to Master Response 1.

Comment C.9: Section 4.4.1.1, Regulatory Framework (Page 53)

As a member of the Water Resources Protection Collaborative, the City of Morgan Hill has adopted the Guidelines and Standards for Land Use Near Streams, which provides guidance for land use activities in and around streams within Santa Clara County; this should be acknowledged in the ‘Regional and Local’ regulatory framework section.

Response C.9: Text has been added to Section 4.4.1.1 of the Draft EIR to describe the Santa Clara Valley Water Resources Protection Collaborative’s Guidelines and Standards for Land Use Near Streams. Refer to Section 5.0 Draft EIR Text Revisions.

Comment C.10: Section 4.4.1.2, Existing Conditions (Page 54)

The Land Cover and Wildlife Use section indicates that the project site has a “...0.6-acre abandoned detention basin.” It should be noted that the detention basin is not abandoned and remains operational; the referenced detention basin was constructed to mitigate for increased runoff generated by Tract 8481.

Response C.10: The text in Section 4.4.1.2 of the Draft EIR has been revised to state the detention basin is not abandoned. Refer to Section 5.0 Draft EIR Text Revisions.

Comment C.11: Section 4.4.1.2, Riparian Habitat (Page 59)

This section acknowledges that the project will impact Waters of the State and Waters of the U.S., but none of the mitigation measures, in particular MM BIO-5.1, includes the need to obtain approvals from the US Army Corps of Engineers (ACOE), the Central Coast Regional Water Quality Control Board (CCRWQCB) or California State Department of Fish and Wildlife (CDFW) for the proposed realignment and culvert modifications within Tennant Creek and the ephemeral drainage. These approvals (with the possible exception of the CDFW streambed alteration agreement, which may sometimes be included in Habitat Plan permitting) are required for Section 404 (ACOE) and Section 401 (CCRWQCB) approvals. Sometimes obtaining these approvals requires mitigation greater than proposed or plan modifications that may impact the project. ACOE and CCRWQCB may also determine that the project has a substantial adverse effect on federal and state wetlands. These agencies should be consulted to determine impacts.

Response C.11: The City acknowledges that a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers, Clean Water Act Section 401 Water Quality Certification (and possibly Porter-Cologne Water Quality Control Act waste discharge requirements) from the Central Coast Regional Water Quality Control Board, and Fish and Game Code Section 16 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) will be necessary for the proposed project's impacts. Page 13 of the Draft EIR indicates that discretionary approval of the project by these agencies may be necessary. Page 53 of the Draft EIR discusses regulation of wetland and riparian habitats by these agencies. Additionally, the Regulatory Setting section of the Biological Resources Report discusses in detail the need for the applicant to obtain these specific permits (refer to Appendix D to the Draft EIR).

Although the project will need to obtain these permits, obtaining the permits themselves is a regulatory process, and not substantive mitigation necessary to reduce impacts on stream, wetland, or riparian habitats to less than significant levels under CEQA. As discussed on page 76 of the Draft EIR, project impacts on regulated habitats are less than significant with compliance of the Santa Clara Valley Habitat Plan (Habitat Plan). The text in the Draft EIR has been revised to clarify Habitat Plan standards for new development within the Planned Development. Additionally, the text in the Draft EIR has been revised to include a standard for new development within the Planned Development to ensure necessary permits are obtained prior to construction of the project (refer to Section 5.0 Draft EIR Text Revisions).

Comment C.12: Section 4.4.2.1, Impact 'a,' Crotch's Bumble Bee (Page 70)

It is noted *"The Crotch's bumble bee is not a covered species under the Habitat Plan;"* however, the EIR should acknowledge that Crotch's bumble bee is listed by the California Department of Fish and

Wildlife (CDFW) as an endangered and threatened species. Any identification of Crotch's bumble bee within the Project site needs to be submitted to the California Natural Diversity Database (CNDDB).

Response C.12: The Crotch's bumble bee is considered a candidate for listing by CDFW under the California Endangered Species Act (CESA), as stated on page 59 of the Draft EIR. It was considered a candidate, then that status was removed in 2020 due to court rulings saying that invertebrates could not be listed under CESA. In 2022, court rulings determined that invertebrates could be listed under CESA so the bee's candidate status was restored, but it has never been officially listed as threatened or endangered. Although it receives the same protections as though it is listed, the Crotch's bumble bee is not listed as an endangered or threatened species as the comment suggests.

The City acknowledges that it is good practice to submit records of special-status species to the California Natural Diversity Database, but submitting such records is not necessary to further reduce project impacts on this species; therefore, the City does not intend to make submittal of a record (if observed) a project requirement. For these reasons, no revisions to the Draft EIR are necessary.

Comment C.13: Section 4.4.2.1, Impact 'b,' Impacts on Riparian Habitat or Other Sensitive Communities (Page 71)

The EIR states that *"Potential impacts to riparian habitat would be minimized through implementation of Habitat Conditions 3 and 4..."* The EIR needs to include discrete avoidance and minimization measures (listed under Table 6-2 of the VHP) that will be implemented to mitigate Project impacts and provide rationale in terms of how and/or why those measures would minimize Project impacts. A general statement indicating the Project will comply with Conditions 3 and 4 of the VHP does not adequately evaluate the Project's impacts on the riparian habitat, and the feasibility of offsetting or eliminating those impacts.

Response C.13: The City disagrees with the comment's assertion that the Draft EIR needs to indicate which of the discrete avoidance and minimization measures listed in Table 6-2 of the Habitat Plan apply to the project to reduce impacts on riparian habitat to less than significant levels. Table 6-2 of the Habitat Plan includes 115 measures, many of which do apply or may apply to the project. As with any Habitat Plan-covered activity, this project would comply with all applicable measures. The Draft EIR also includes standards required for new development within the planned development for compliance with the Habitat Plan.

The City also disagrees with the suggestion that the Draft EIR only evaluates the project's impacts on riparian habitat via a general statement regarding Habitat Plan compliance. Impacts of the project on riparian habitat are described in detail and are quantified on page 71 of the Draft EIR.

Comment C.14: Moreover, in addition to the Valley Habitat Plan (VHP), the project is also subject to additional conditions from other regulatory agencies (e.g., CA Department of Fish and Wildlife, Army Corps of Engineers, Regional Water Quality Control Board) that have jurisdiction over work within the in-stream area, and along the riparian corridor.

Response C.14: As discussed in Response C.11 above, the Draft EIR discusses the permits that will be necessary from those regulatory agencies and the City acknowledges the applicant will need to comply with the conditions of such permits.

Comment C.15: Section 4.4.2.1, Impact ‘b,’ Impacts on Riparian Habitat or Other Sensitive Communities (Page 72)

It is asserted the proposed stream realignment, Barrett Avenue widening, and removal of the existing culvert are *“allowable uses in Habitat Plan riparian setbacks and would not require a riparian exception.”* The reference to the VHP’s “allowable uses” in this statement is unclear since the listed activities are all in-stream modifications that would be subject to the requirements specified under Condition 4 of the VHP – ‘Avoidance and Minimization Measures for In-Stream Projects’ and additionally, the avoidance and minimization measures outlined in Table 6-2 of the VHP.

Response C.15: The Draft EIR’s statement regarding certain activities being allowable uses in riparian setbacks refers to whether or not those activities are explicitly exempt from the Habitat Plan’s riparian setback requirements. Page 6-53 of the Habitat Plan lists activities that are exempt from riparian setback requirements. Examples of Habitat Plan riparian setback exemptions that are applicable to the project include “covered activities that require work within or adjacent to streams such as bridges,” which is applicable to the proposed Barrett Avenue widening, associated stream realignment, removal of the existing culvert, and construction of recreational trails. The project would still be required to comply with Condition 4 of the Habitat Plan, including the avoidance and minimization measures outlined in Table 6-2, but the Habitat Plan does not prohibit these activities that are exempt from riparian setback requirements from occurring within streams and riparian areas when there is a need for such activities. The project has been designed to avoid and minimize impacts on such regulated habitats to the extent practicable, but the remaining impacts are necessary to achieve the project’s purpose. Therefore, no revisions to the Draft EIR are needed.

Comment C.16: Section 4.7.1.2, Existing Conditions, Groundwater (Page 105)

It is noted *“Groundwater depth on the project site is approximately 30 to 50 feet below ground surface and flows northwest.”* The Appendix F Phase I ESA (Page 5) states that the 30 to 50 feet depth to water estimate was from a 2006 California Department of Conservation report. Were the 30 to 50 feet depth to groundwater measurements confirmed from the two water supply wells on the Project site? Valley Water does not have any active water level monitoring wells on the Project site, but recent (2023) water level data from nearby wells in adjacent parcels indicate groundwater level depths range from less than 10 feet to greater than 75 feet below land surface. This water

level data is available on the Valley Water Historical Groundwater Elevation data website: <https://gis.valleywater.org/GroundwaterElevations/index.php>.

Please also note that this website shows the Project site is in an area of generalized depth to first groundwater of 5 to 20 feet below land surface. As explained on the website, the generalized depth to first groundwater depicts the most shallow groundwater ever measured for an area as of 2018. Staff recommends using the more recent estimates of depth to first groundwater from Valley Water, rather than the 2006 CDC report. Staff also recommends relying on Valley Water's 2021 Groundwater Management Plan for detailed hydrogeologic information for the Llagas Subbasin beneath the project site.

Response C.16: While the Valley Water Historical Groundwater Elevation data website provided by the commenter contains more current information than the 2006 CDC report referenced in the Phase I ESA, the website shows depths for adjacent parcels rather than for the project site, as noted by the commenter.

The project applicant has provided the City with a site-specific Geotechnical Investigation that was prepared for the project by Quantum Geotechnical, Inc. in May 2020. According to this report, groundwater was encountered on-site at a depth of 23 feet. The geotechnical investigation conducted borings on the project site and is, therefore, the most accurate data available regarding groundwater on the project site. Text has been revised throughout the Draft EIR to reflect this information, and the Geotechnical Investigation Report has been added to the Draft EIR as Appendix K. See Section 5.0 Draft EIR Text Revisions and Appendix B to this Final EIR.

Comment C.17: Section 4.10.1.1 Environmental Setting, Regulatory Framework, Federal and State (Page 132)

- a. Valley Water recommends adding a sub-section about the Sustainable Groundwater Management Act (SGMA) because the Project development will rely primarily on groundwater for the water supply, groundwater is the sole source of water supply for the City of Morgan Hill (Draft EIR, page 215), and Valley Water is the Groundwater Sustainability Agency (GSA) under SGMA. Valley Water's 2021 Groundwater Management Plan is the DWR approved Alternative to a Groundwater Sustainability Plan (GSP), and is available on Valley Water's website: <https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable>.

Response C.17: Text has been added to Section 4.10.1.1 of the Draft EIR to include a description of the Sustainable Groundwater Management Act as recommended by this comment. Refer to Section 5.0 Draft EIR Text revisions.

Comment C.18:

- b. This section should include all relevant policies under Goals SSI-5 and SSI-6 in the Flood Hazards section of the City's General Plan. In particular, Policies SSI-5.1, 2, 3, 4, 5, 6, 7, 8,

and 9 and Policies SSI-6.2, 6, and 7. The EIR should discuss how the project is consistent with these policies and identify where the project is not consistent with these General Plan policies and identify all relevant mitigation to gain compliance.

Response C.18: Text has been added to Section 4.10.1.1 of the Draft EIR to include the policies listed in the comment and describe the project's consistency with the policies. Refer to Section 5.0 Draft EIR Text revisions.

Comment C.19: Section 4.10.1.2 Groundwater (Page 135)

- a. It is noted *"The site is located in the Santa Clara Valley Subbasin of the Santa Clara Valley Groundwater Basin."* The site is within the Coyote Valley Recharge Area designated by the Santa Clara Valley Water District (Valley Water). 66." Please correct these sentences because the Project site located in the Llagas Subbasin, not the Coyote Valley. The sentence can be corrected as: *"The site is located in the Llagas Subbasin (DWR Basin Number 3-3.01), which is part of the larger Llagas Subbasin, as designated by the Santa Clara Valley Water District (Valley Water). 66."*

Response C.19: The referenced text in Section 4.10.1.2 of the Draft EIR has been revised to reflect the project site's location within the Llagas Subbasin, as recommended by the commenter. Refer to Section 5.0 Draft EIR Text Revisions.

Comment C.20:

- b. Footnote 66 references Valley Water's 2016 Groundwater Management Plan; it should be noted this has been suspended by the 2021 Groundwater Management Plan, which is available at the following link: https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/2021_GWMP.pdf

Response C.20: The referenced footnote has been revised as recommended by the commenter. Refer to Section 5.0 Draft EIR Text Revisions.

Comment C.21: Section 4.10.1.2, Existing On-Site Drainage

This section does not appear to accurately describe the existing storm drain system installed as part of Tract 8481, which includes the Project site. Valley Water records for the Tract 8481 improvements show the 36-inch storm drain reduces to a 21-inch pipe, which then increases in size to a 24-inch and finally a 27-inch pipe, which discharges into the retention basin. The retention basin was designed to mitigate increased runoff from Tract 8481 improvements for a range of storm events up to a 100-year storm. The outlet is a 21-inch pipe which connects to a 60-inch storm drain, which subsequently discharges into Tennant Creek, downstream of Barrett Avenue.

Response C.21: Refer to Master Response 3 and see Final EIR Appendix E for additional technical responses.

Comment C.22: Section 4.10.1.2, Flood Hazards (Page 135)

The EIR acknowledges existing special flood hazards identified by FEMA and states *“The project site is located within three FEMA flood hazard designations: Zone AE, AO, and X.”* It should be noted that Tennant Creek, which traverses the westerly end of the project site, has an adopted regulatory floodway: an area which has been reserved to convey the 100-year flood, or 1% annual exceedance event without increasing FEMA’s Base Flood Elevation (BFE), or the 100-year water surface elevation at any point. All encroachments within the regulatory floodway will require a no-rise certification through a detailed hydraulic study that is completed in accordance with FEMA’s mapping guidelines and standards. According to 44 CFR 60.3(d)(3), any new construction or development, including fill within the limits of the regulatory floodway is prohibited, *“unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.”* The EIR should acknowledge the regulatory floodway in its discussion of existing flood hazards, along with the restrictions within this area.

Response C.22: Figure 4.10-1 on page 136 of the Draft EIR shows the flood hazard zones on the project site, including the regulatory floodway along Tennant Creek. The text on page 135 under the Flood Hazards subsection has been revised to include an explanation of the regulatory floodway. Refer to Section 5.0 Text Revisions.

Comment C.23: Section 4.10.2, Impact ‘b,’ (Page 140)

- a. To accommodate some of the proposed landscaping amenities for the Project (e.g., pond, fountains), it is noted *“The project would require the pond to be pumped with approximately 0.36 acre-feet of non-potable water per year (118,000 gallons per year), with an evaporation rate of approximately 0.28 acre-feet. The pond would require a total of 0.64 acre-feet of water (211,400 gallons per year) in year one to both fill the pond and replenish to offset evaporative losses, and 0.28 acre-feet of water (93,400 gallons per year) per year in the following years to offset evaporative losses.”* Initially, it is stated 0.36 acre-feet per year would need to be pumped to the pond, but it is subsequently stated that 0.28 acre-feet per year would be required to offset evaporative losses. The total volume required to maintain these amenities needs to be clarified.

Response C.23: The required volume of water initially to fill the pond is approximately 118,000 gallons, or 0.36 acre-feet. This assumes that the majority of the pond is eight feet deep, with a five-foot wide, 18-inch deep “ring” around the perimeter. The volume also accounts for the waterfall feature and assumes that it is one-foot deep on average. According to H.T. Harvey’s March 2022 memo provided to the applicant (included as Appendix D to this Final EIR), the average evapotranspiration is 4.12 feet/year. Assuming that this rate applies to the waterfall and entire pond, the evaporation volume would be approximately 93,400 gallons (0.28 acre-feet) per year. Accounting for evaporation as described below, it will take approximately 93,400 gallons (0.28 acre-feet) to keep the pond full annually.

Once the pond is constructed, water can be introduced. As stated above, the volume of water required to initially fill the pond is approximately 118,000 gallons (0.36 acre-feet). Based on the expected evaporation rates, 0.28 acre-feet per year will be needed to keep the pond operational and full. In the first year, 0.64 acre-feet of water will be required to fill and operate/maintain the pond. In subsequent years, 0.28 acre-feet will be needed annually to maintain the water level. The excerpted text in the comment has been modified to clarify the amount required initially to fill the pond versus the ongoing annual amount of water required to keep the pond full to offset evaporative losses. Refer to Section 5.0 Draft EIR Text Revisions.

Comment C.24:

- b. Because the Project site is in the recharge area of the Llagas Subbasin and the proposed development will increase the impervious surface area, Valley Water supports the planned use of site design measures, including LID, BMPs, and infiltration features, such as detention and retention basins that meet Valley Water stormwater infiltration device guidelines, and maintain natural recharge to the groundwater basin.

Response C.24: As discussed on pages 139 and 140 of the Draft EIR, the project includes a detention basin and implements site design measures, low-impact development (LID) controls, and best management practices (BMPs) including infiltration features. The comment does not question the adequacy of the Draft EIR analysis and supports the project's design features. Therefore, no further response is required.

Comment C.25:

- c. The last paragraph states *"The highest depth to the groundwater expected at the project site is 30 to 50 feet below ground surface. The maximum depth of excavation to install utilities building foundations proposed by the project is ten feet below ground surface. The groundwater is deep enough such that ground disturbance during construction would not interfere with groundwater flow or expose any aquifers."* As noted in Comment 8, Valley Water's Historical Groundwater Elevation website (<https://gis.valleywater.org/GroundwaterElevations/index.php>) indicates that the Project site is in an area of generalized depth to first groundwater of 5 to 20 feet below land surface. As explained on the website, the generalized depth to first groundwater depicts the most shallow groundwater ever measured for an area as of 2019. We recommend using the more recent (2019) estimates of depth to first groundwater from Valley Water, rather than the 2006 CDC report.

Response C.25: Refer to Response C.16 citing the site-specific Geotechnical Investigation prepared for the project. Text revisions have been made throughout the Draft EIR to reflect a groundwater depth of 23 feet below ground surface and the Geotechnical Investigation Report has been added as Appendix K to the Draft EIR.

Comment C.26: Section 4.10.2.1, Impact ‘c,’ Drainage (141)

- a. To mitigate for increased runoff from the Project, the EIR cites Schaaf and Wheeler’s (S&W) preliminary drainage report (Appendix H), which recommends construction of a detention pond at “...*Jackson Park, located adjacent to the northeast side of the site, to reduce post-project peak discharge to pre-project conditions to Tennant Creek under a 25-year storm event...Offsite runoff coming from tributary residential and open space areas would be rerouted through the detention basin, relocated at Jackson Park, to account for the increase in impervious area.*” As noted in Comment 7, the existing detention basin was constructed to mitigate for increased runoff from Tract 8481. Furthermore, it was designed to ensure additional runoff from Tract 8481 – which includes the Project site as undeveloped Lots 20, 21, and 22 – does not exceed pre-project conditions (both in terms of volume and rate), and to also handle events up to the 100-year event. Tennant Creek is prone to frequent flooding: Valley Water has estimated the creek is subject to overtopping during recurrence intervals as frequent as the 2- or 3-year event. In addition to replacing the function of the existing detention basin, the project should be mitigating all increased runoff from the development of Lots 20, 21, and 22 in Tract 8481, for a range of storm events from the 2- or 3- year event up through the 100-year event. The drainage report identifies discharge points along Tennant Creek, from the upstream limit of the Project site to a point downstream of Barrett Avenue to analyze changes in the Project site’s discharge into Tennant Creek, both under existing and proposed conditions. Thus, all mitigatory measures need to consider a range of events, including the 2-, 10-, 25-, and 100-year events so as not to induce flooding on neighboring or downstream properties.

Response C.26: Refer to Master Response 3 and see Appendix E for additional technical responses.

Comment C.27: Additionally, the relocated detention basin will need to be adequately designed to account for the volume of runoff it currently receives from Tract 8481, or alternatively, the volume of runoff that can no longer be routed to the relocated basin needs to be made whole through additional basins or mitigatory measures. Ultimately, the mitigatory measures need to account for both the existing run-on the site currently receives, and any additional runoff generated within the Project site. Consistent with existing mitigation measures implemented for neighboring developments, runoff under pre-project conditions cannot exceed post-project conditions, both in terms of volume and rate. The drainage study completed by S&W only considers the 25-year storm event to address the minimum requirements specified in the City of Morgan Hill’s (City) storm water management plan.

Response C.27: Refer to Master Response 3 and see Appendix E for additional technical responses.

Comment C.28: Lastly, it should be noted a public service easement has been reserved for Tract 8481 to operate and maintain the existing detention basin. Relocation of the existing basin will need to include similar land rights to accommodate the operation and maintenance of this facility.

Response C.28: Text has been added to the Draft EIR clarifying the relationship between the project site and adjacent development (i.e. Tract 8481) that relies on the project site for stormwater detention. See Section 5.0 Text Revisions.

Comment C.29:

- b. The feasibility of relocating the detention pond to Jackson Park needs to be further evaluated since it appears to be proposed at a higher elevation than the existing detention basin. Neighboring developments currently discharge runoff into the existing detention basin via gravity. If it is assumed the relocated basin will continue to collect runoff from these developments, it should be noted this will not be feasible without employing mechanical measures (i.e., pumps) to route runoff upslope to Jackson Park.

Response C.29: Refer to Master Response 3 and see Appendix E for additional technical responses.

Comment C.30:

- c. The EIR also needs to analyze how changes in the storm drain system routing, Tennant Creek improvements (including any structures, grading or plantings), the proposed Barrett Avenue culvert, and outfall modifications in Tennant Creek will impact various storm event water surface elevations in the Tennant Creek special flood hazard areas, and in the Tennant Creek floodway. Water surface elevations need to be analyzed through the project site, upstream of the project site, and downstream of Barrett Avenue. Any changes which increase the FEMA effective water surface elevation in the floodway by more than 0.0-ft. at any point in the community will require a CLOMR to be submitted to and approved by FEMA prior to construction. If the project site will not create any new runoff discharging into Tennant Creek, then why are culvert improvements proposed? Any enlarging of the culvert capacity or even changes to current weir flow over Barrett Avenue may induce flooding downstream by increasing water surface elevations and/or increase the frequency of flooding downstream on Tennant Creek. It should be noted this area of Tennant Creek is subject to historical flooding.

Response C.30: Impacts due to project improvements are identified in the updated Drainage Report (Final EIR Appendix C). The project will obtain a Letter of Map Revision (LOMR) to capture changes made in the channel and floodplain would not result in impacts to downstream properties. See Appendix E for additional technical responses for this comment.

Comment C.31:

- d. This section does not address changes in the Tennant Creek overflow (Zone AO) that may be impacted by the Project. According to the FEMA effective model for Tennant Creek for the 100-year special flood hazard condition, 420 cubic feet per second (CFS) flow approaches the Fountain Oaks culvert, 290 CFS continues through culvert, while 130 CFS travels through the neighborhood and exits overland as 'Zone AO' enters 'Zone AE' and the floodway

(shown as cross section 526 in the effective model). The EIR should include mitigation that requires the project to maintain the existing flood patterns through the project site.

Response C.31: The Zone AO creek overflow is addressed in the updated Drainage Report as likely being an overestimation of peak flow within Tennant Creek stemming from how the subbasins were delineated. See Appendix E for additional technical responses for this comment.

Comment C.32: Section 4.10.2, Impact 'c,' Hydromodification (Page 142)

- a. The Hydromodification section states the following: *"the proposed detention basin on the northeastern corner of the site is designed to limit the 25-year site discharge to be at the existing condition rates by over detaining the upstream watersheds that contribute to flow to Tennant Creek."* To reiterate Comment 18a, the existing detention basin was designed to handle a range of events, including the 2-, 10-, 25-, and 100-year events. Therefore, the proposed detention basin needs to be designed to mitigate for the noted range of events. Schaaf and Wheeler's Preliminary Drainage Study (Appendix H) may have considered the increased runoff generated by Tract 8481 as part of the tributary area for 'Sorel Drive at Barrett Avenue' (Preliminary Drainage Study, Table 3-2, Page 8), however the study appears to be assume that runoff would bypass the existing detention basin, and discharge directly into Tennant Creek by way of the existing 60-inch storm drain line along Barrett Avenue. It should be noted the existing detention basin increases the time of concentration within the drainage basin, which in turn attenuates the rate of runoff discharging into Tennant Creek. Modifications to the existing drainage pattern may increase flooding – both in terms of frequency and magnitude – for communities neighboring the Project site. The preliminary drainage study needs to evaluate whether the proposed modifications to the existing drainage pattern will increase both on- and offsite flooding.

Response C.32: Refer to Master Response 3 and see Appendix E for additional technical responses.

Comment C.33:

- b. The hydromodification section states that the *"...project site grades will be filled so that flows will be contained in Tennant Creek and there will be no runoff across the site."* This statement needs to be clarified or revised as it is not clear how changes to grading within the site will eliminate runoff across the site when the Project proposes to substantially increase the impervious surface area within the site. Additionally, in the absence of a no-rise certification, improvements to "contain" flows within Tennant Creek cannot include fill or modifications with the regulatory floodway since it would further constrict the conveyance area reserved to discharge the base flood event (i.e., 100-year event). It should be noted the limits of the regulatory floodway already assumes the maximum allowable increase (i.e., 1-ft.) has been reached. Thus, as noted in Comment 16, 44 CFR (60.3(d)(3) does not permit any fill/improvements within the regulatory floodway, unless it can be demonstrated the 100-year water surface elevation will not increase by any amount greater than 0.0-ft.

Response C.33: The existing Zone AE currently extends overland outside of the channel limits throughout the project site. The Project proposes to increase grades up to the regulatory floodway limits in order to protect the site from Zone AE flooding, thereby limiting Zone AE to the channel limits. The project will submit a Conditional Letter of Map Revision/Letter of Map Revision (CLOMR/LOMR) to demonstrate the revised reach modeling, new BFEs, new floodway encroachments and tie-in with the effective model as required by FEMA.

The effective regulatory floodway encroachments do not assume the maximum allowable one-foot increase in all locations. The effective Flood Insurance Study (FIS) shows only an increase of 0.5 foot at Cross Section H (located just north of the project site) and 0.2 foot of increase at Cross Section G (located south of the project site at Tennant Avenue).

Comment C.34: Section 4.10.2., Impact ‘c,’ Flood Flows (Page 142)

- a. The EIR asserts “...the proposed project would not result in changes to the upstream or downstream 100-year water surface profile of the creek.” This conclusion is inconsistent with the results provided in Schaaf and Wheeler’s Evaluation of Flood Hazards (Preliminary Drainage Report, Table 4-1, Page 12), which showed water surface elevation increases at several cross sections along Tennant Creek. The Project cannot result in any increases to the published 100-year water surface profile. As noted in Comment 14b, the regulatory floodway already assumes the maximum allowable increase has been reached; thus, improvements cannot further increase the 100-year water surface elevation. Moreover, the post-project conditions evaluated by Schaaf & Wheeler’s analysis does not consider realignment and widening of the channel, or the proposed storm drain improvements along Barrett Avenue: of all which are proposed in earlier sections of the EIR.

Response C.34: Refer to Master Response 4 and see Appendix E for additional technical responses.

Comment C.35:

- b. It is noted “the grading associated with the proposed project would re-establish the Tennant Creek floodway and floodplain which would relocate the 100-year flooding to ensure areas of the project development are located outside of the 100-year flood zone.” The proposal to re-establish and relocate the floodway and floodplain needs to be clarified. As noted in Comment 16, modifications to the adopted regulatory floodway will require a no-rise certification, supported by a hydraulic analysis completed in accordance with FEMA standards for map revisions. Moreover, it is not clear how the floodplain itself would be re-established unless the identified FEMA special flood hazard areas (SFHA) within the site are to be preserved as open space areas. Based on prior plan reviews by Staff, residential units were proposed within the limits of FEMA’s SFHA.

Response C.35: Refer to Master Response 3 and see Appendix E for additional technical responses.

Comment C.36:

- c. The last paragraph under the discussion of ‘Flood Flows’ (Section 4.10.2, Page 143) notes that *“The development shall apply for a Conditional Letter of Map Revision based on Fill through FEMA to show that the development is outside the floodplain.”* It should be noted that as of July 1, 2023, the County of Santa Clara (County) has temporarily suspended all CLOMR-F and LOMR-F applications within the County. Additionally, based on the improvements specified in the EIR, a CLOMR-F would not be applicable due to the proposed in-channel improvements (e.g., proposed realignment/widening of existing channel, culvert improvements). Hydraulic analyses to support revisions to FEMA Flood Insurance Rate Maps (FIRM) cannot separate specific project improvements such as grading and evaluate its singular impact on existing SFHAs. Rather, a cumulative analysis, which accounts for all proposed project improvements, needs to be completed to determine the Project’s overall impact on FEMA’s SFHA. This cumulative analysis is especially important as it does not appear that Barrett Avenue improvements (completed as part of Tract 7157) were submitted to FEMA for inclusion in the special flood hazard area study. These improvements include the existing Barrett Avenue culverts and the 60-inch storm drain outfall at Barrett Avenue.

Response C.36: The project will submit a CLOMR/LOMR rather than a CLOMR-F to demonstrate the revised reach modeling, new BFEs, new floodway encroachments and tie-in with the effective model as required by FEMA. Refer to Master Response 3 and see Appendix E for additional technical responses.

Comment C.37:

- d. The last sentence under the discussion of ‘Flood Flows’ (Section 4.10.2, Page 143) asserts *“the proposed project would not redirect flood flows causing flooding on or off site.”* As noted in comment 20c, this assertion needs to be supported by a hydraulic analysis that evaluates the cumulative impact of all proposed improvements. While Schaaf and Wheeler’s evaluation of flood hazards in the Preliminary Drainage Report (Appendix H) does not consider modifications to the existing culvert at Barrett Avenue, it does not consider realignment and widening of the channel, both of which are proposed project improvements specified in earlier sections of the EIR. Results from the hydraulic analysis needs to support the conclusion that the project would not redirect flood flows or increase flooding on- or offsite.

Response C.37: Refer to Master Response 3 and see Appendix E for additional technical responses.

Comment C.38: Section 4.19.2.1, Impact ‘a,’ Water Facilities (Page 218)

As part of the project’s utility improvements, the EIR states *“The proposed project would connect new water lines to the existing water mains in Barrett Avenue and Hill Road.”* It should be noted that Santa Clara Conduit (SCC), which runs along Hill Road, is part of the Central Valley Project, and is used to deliver the County’s federally contracted water supply. Valley Water operates and

maintains this facility on behalf of the Bureau. All proposed modification to or near the pipeline, including those that may impact its appurtenances (e.g., valves, vaults, etc.) are subject to review and approval by both Valley Water and the Bureau. Additionally, the Bureau has reserved easement along the length of the pipeline to accommodate the operation and maintenance of the pipeline (See Comment 2). Thus, all modifications within, through, or over the easement area – including changes to the existing grade – will also require review and approval by Valley Water and the Bureau. Per the easement deed, the Bureau has been granted *“the perpetual right, privilege and easement to construct, operate and maintain water pipelines, together with all fixtures, devices and appurtenances necessary to the operation of said pipelines, within, through, over and across the real property...”* Ultimately, the Project cannot impede Valley Waters ability to exercise these land rights. Assuming a connection to SCC is approved, it should be noted this is an interruptible source of raw water, subject to both planned and unplanned outages for extended periods of time. For this reason, the pipeline should not be relied upon as the development’s primary source of raw water. A reliable groundwater supply well or a connection to a retail water service needs to be established. Lastly, since Valley Water has discretionary approval authority over this facility, Valley Water is considered a Responsible Agency under CEQA.

Response C.38: Refer to Master Response 1. Valley Water is acknowledged to be a responsible agency with discretionary authority over the project’s implementation.

Comment C.39: Section 4.19.2.1, Impact ‘a,’ Storm Drainage (Page 218)

The draft EIR’s discussion of Storm Drainage improvements proposes to remove existing storm drain lines, which currently convey flows in and out of the existing detention basin. The proposal to remove these existing lines is inconsistent with the EIR’s earlier determination Section 4.10 – Hydrology and Water Quality, ‘Drainage,’ (Page 141), which asserted that *“the proposed project would not substantially alter the existing drainage pattern of the site or area...”* As noted in Comment 19a, the detention basin was constructed to mitigate for increased runoff, and attenuate flows discharging into Tennant Creek. Any proposed modification to the existing drainage system needs to ensure flooding along Tennant Creek is not increased, both in terms of frequency and magnitude.

Response C.39: Refer to Master Response 3 and see Appendix E for additional technical responses.

Comment C.40: Section 4.19.2.1, Impact ‘b,’ Project Water Demand (Page 219)

The Project Water Demand section states that the project will create a new demand of 118,265 million gallons per day (MGD) of water, but it is not clear how that total is derived.

Response C.40: As described on Page 219 of the Draft EIR, the project’s water demand was calculated using the City’s unit demand factor of 1,700 gallons per day (gpd) per acre for Residential Detached Medium land uses. This demand factor was derived from the City’s Water System Master Plan dated December 2021.

Multiplying the project site’s size (69.4 acres) by the 1,700 gpd/acre factor results in

a demand of 117,980 gpd. In addition, the project's proposed pond requires approximately 255 gpd (based on evaporative losses). Adding together 117,980 gpd and 255 gpd results in an estimated total demand of 118,235 gpd. The referenced 118,265 million gpd is a typo and has been revised globally to remove the word "million". Refer to Section 5.0 Draft EIR Text Revisions.

Comment C.41: The draft EIR concludes that the project is consistent with planned growth for Morgan Hill. This projection of future water supply and availability assumes increases in water conservation and demand management measures in both Morgan Hill's and Valley Water's Urban Water Management Plan. For the proposed project to meet its fair share of these water conservation assumptions, all available water conservation measures should be required of the project. Such measures should include:

- Prohibiting non-functional turf in private open space areas, lawn areas should be limited to areas supporting passive activities.
- Require hot water recirculation systems.
- Require dedication landscape meters and separate submeters to each unit and individual commercial spaces where applicable.
- Install weather or soil-based irrigation controllers.

Response C.41: As recommended by the commenter, all feasible water conservation measures would be implemented by the proposed project including the installation of landscape meters, hot water recirculation systems, and weather or soil-based irrigation controllers, consistent with the water conservation and demand management measures in the City's and Valley Water's Urban Water Management Plan. Refer to Section 5.0 Draft EIR Text Revisions.

Comment C.42: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum (Page 5)

Schaaf and Wheeler's memorandum notes *"the Rational Method was utilized to quantify the 25-year runoff for designing a storm drain system."* See comment 18a. The memorandum also states the proposed model includes the proposed fill in the floodplain and a pedestrian bridge, but it does not mention the changes to the Tennant Creek Overflow ('Zone AO'), the proposed storm drain routing changes, the proposed Barrett Avenue culvert crossing and storm drain outfall changes, etc. Also, the memorandum does not acknowledge that the existing capacity of Tennant Creek is very limited (estimated to only have capacity for a 2- or 3- year storm event); therefore, mitigation for only a 25-year event will increase the extent, and frequency of flooding for downstream properties, during those frequent events and up to a 100-year event as identified in FEMA effective studies.

Response C.42: Comment 18a refers to Comment C.26 about the Draft EIR's discussion of drainage. Refer to Master Response 3.

Regarding the overflow Zone AO shown in the effective FEMA FIS, this is largely due to the resolution of subbasin delineations and assumptions made in locating peak flows for drainage areas south of East Dunne Avenue at the start of the channel.

Changes to hydrologic drainage points resulting in changes to the effective Zone AO are discussed in detail in Appendix C.

Comment C.43: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 4 (Page 7)

- a. The discussion for 'Impact 4' notes *"...the proposed detention basin on the northeastern corner of the site is designed to limit the 25-year site discharge to be at the existing condition rates by over detaining the upstream watersheds that contribute to flow to Tennant Creek."* See Comments 18a.

Response C.43: Comment 18a refers to Comment C.26 about the Draft EIR's discussion of drainage. Refer to Master Response 3.

Comment C.44:

- b. The discussion of post-project site drainage conditions notes that *"Runoff from offsite tributary residential and open space areas northeast of the project will be rerouted through the proposed basin..."* See Comments 18a, and 18b.

Response C.44: The Zone AO creek overflow is addressed in the updated Drainage Report as likely being an overestimation of peak flows within Tennant Creek stemming from how the subbasins were delineated. See Appendix E for additional technical responses for this comment.

Comment C.45: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 5 (Page 8)

The discussion detailing the existing site drainage conditions indicates *"...no information of the basin is available..."* and the existing detention basin *"...is assumed to be private and does not provide detention for the City's storm drain system."* This statement is in error as the basin was constructed as part of Tract 8481, approved by the City, and the basin was dedicated to, and accepted by the City as a public service easement on the recorded Tract map. Additionally, the depiction of the storm drain is in error as compared to Tract 8481 Improvement Plans. See Comments 7 and 15, and 18a.

The discussion of post-project site drainage conditions notes that *"runoff from offsite tributary residential and open space areas northeast of the project site will be rerouted through the proposed basin..."* See comments 18a, and 18b.

Response C.45: Refer to Master Response 3.

Comment C.46: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 6 (Page 9)

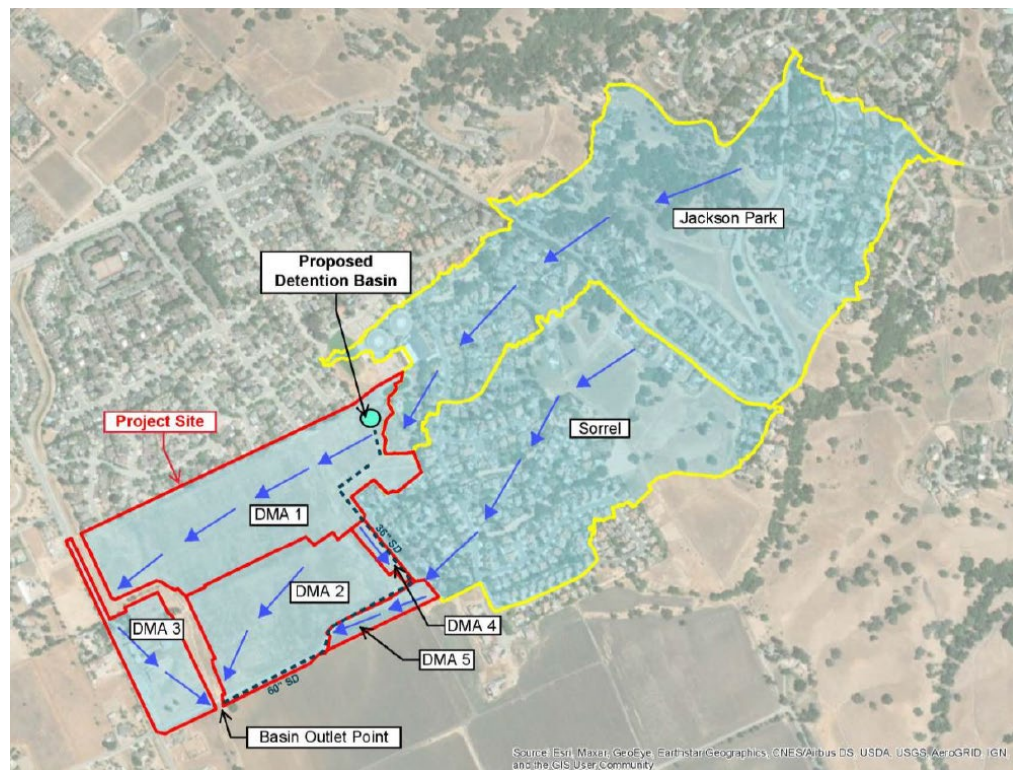
It is noted *"...the detention basin has been designed to the 25-year storm event,"* and based on the modeling results for the 100-year storm event in Tennant Creek *"the development will be out of the floodplain."* See Comments 20a, and 20c. This finding does not acknowledge that Tennant Creek

does not have sufficient capacity for frequent flood events and any increased runoff during these frequent events, which will increase the extent and frequency of flooding downstream. Receiving streams further downstream only have an approximate capacity for the 10-year event. The text supporting a finding of 'Less Than Significant' is inadequate.

Response C.46: Refer to Master Response 4.

Comment C.47: Additionally, Figure 6 provided on this page is illegible, and the outlet or discharge point for all DMAs is not clear. A full sized, legible copy of the figure, along with a clearly marked discharge point needs to be provided.

Response C.47: The revised drainage report (Appendix C) includes Figure 2-2 which shows the post-project conditions drainage areas, including clearly marked discharge points for the DMAs. A snip of the figure is included below.



Comment C.48: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 7 (Page 10)

- a. The discussion for Impact 7 identifies the three special flood hazard areas overlapping the project site ('Zone AE,' 'Zone O,' and 'Zone X'), however this section needs to also acknowledge the regulatory floodway that has been established. See Comment 16.

Response C.48: The regulatory floodway discussion is now included in the revised Drainage Report (Final EIR Appendix C). The project will obtain a LOMR to address

changes to the channel, hydrology, floodway table, etc. to demonstrate no significant impacts would occur. Refer to Master Response 4.

Comment C.49:

- b. The text states that the portion of 'Zone AO' not within Tennant Creek will be filled above the height of flooding. This will block 100-year flood flows of 130 CFS (as identified in the FEMA effective model) from leaving the Fountain Oaks neighborhood, which currently release overland across the Project site as 'Zone AO.' It is not clear where these flood flows will go if the proposed fill is obstructing the flow path. The text does not support the 'Less than Significant Impact.'

Response C.49: The Zone AO creek overflow is addressed in the updated Drainage Report (Final EIR Appendix C) as likely being an overestimation of peak flow within Tennant Creek stemming from how the subbasins were delineated. See Appendix E for additional technical responses for this comment.

Comment C.50:

- c. It is stated in the second paragraph that *"While the water surface elevations change throughout the site, the Project grading will re-establish Tennant Creek floodway and floodplain which will remove the 100-year flooding to be completely outside of the project limits. The development should apply for a CLOMR-F through FEMA to show that the development is outside the floodplain."* See Comment 20b.

Response C.50: Refer to Master Responses 3 and 4.

Comment C.51: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 1, Introduction

- a. It is noted under the 'Objectives' discussion (Section 1.2, Page 3) that *"Project grading will also enable the Tennant Creek floodway and floodplain to be re-established so that all home sites may be elevated above the base flood, without changing the upstream or downstream 100-year water surface profile of the creek by more than six inches, as required by FEMA for remapping."* As previously noted, no increases to the 100-year water surface elevations are allowed within any point of the regulatory floodway. See Comment 16 and 20a.

Response C.51: Refer to Master Response 4.

Comment C.52:

- b. The Report Outline (Section 1.3, Page 3) indicates preliminary hydrologic and hydraulic calculations are provided to evaluate the volume that would be needed to detain the 25-year storm event. See Comments 18a.

Response C.52: Refer to Master Response 3 and see Final EIR Appendix E for additional technical responses.

Comment C.53: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 2, Drainage Patterns and Conveyance

- a. The section detailing the existing drainage conditions (Section 2.1, Page 5) notes that information regarding the design, sizing criteria, and function of the pre-existing stormwater retention basin, north of Barrett Avenue, are not available. See Comment 7. Additionally, it should be noted that Schaaf and Wheeler designed the detention basin.

Response C.53: Refer to Master Response 3.

Comment C.54:

- b. The drainage study proposed a conceptual plan to relocate the existing detention basin to Jackson Park (Section 2.2, Page 5). See Comment 18b.

Response C.54: Refer to Master Response 3.

Comment C.55:

- c. It is also noted *“approximately 150 acres of tributary residential and open space areas northeast of the project site (Figure 2-3)”* will be routed to the relocated detention basin. The southerly subcatchment (Total Stream Length 3179-ft.) does not account for Tracts 7157 and 8481. Additionally, portions of this subcatchment generally have existing grades that are lower in elevation compared to those at Jackson Park. See Comment 18b.

Response C.55: Refer to Master Responses 3 and 4.

Comment C.56: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 3, Project-Specific Drainage Requirements

- a. As stated in other sections of the drainage study, the analysis considers the 25-year, 24-year storm event to adhere to the City’s storm water management plan. The study needs to consider a range of events, including the 2-, 10-, 25-, and 100-year events, since Tennant Creek is prone to flooding. See Comments 18a and 19a.

Response C.56: Refer to Master Responses 3 and 4.

Comment C.57:

- b. Tables 3-1 and 3-2 provided in Section 3.2 (Page 8) need to include results for the requested range of events, including the 2-, 10-, 25-, and 100-year, 24-hour storm events.

Response C.57: Refer to Master Responses 3 and 4.

Comment C.58: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 4

- a. It is noted *“Potential impacts from Project improvements are assessed using information and hydraulic models first completed for the Santa Clara Valley Water District.”* The flood impact analysis for the project needs to be evaluated using FEMA’s effective model as the baseline conditions. If the referenced Santa Clara Valley Water District model is based on

the effective model, the analysis needs to ensure both the upstream and downstream ends of the studied reach are within 0.5-ft. of the published BFE (44 CFR 65.6(a)(2)). Additionally, all existing developments not included into the effective model need to be incorporated and evaluated cumulatively with the proposed project.

Response C.58: Adherence to 44CFR 65.6 (a)(2) is supported by the revised Drainage Report (Final EIR Appendix C) which includes a more detailed discussion of tie-in with the duplicate effective model. Refer to Master Response 3 and see Appendix E for additional technical responses.

Comment C.59:

- b. Section 4.1 asserts *“all areas of potential improvements within Project limits would be located outside of regulatory flood areas.”* This statement is not consistent with the improvements specified in earlier sections of the draft EIR, which proposes realignment of the stream, widening of the channel at Barrett Avenue, and removal of the existing culvert: all of which are occurring within the limits of the regulatory floodway.

Response C.59: Refer to Master Response 4.

Comment C.60:

- c. Section 4.1.1 cites Ordinance Section C12-821(A), which maintains that the cumulative effect of development cannot increase the BFE by greater than one foot at any point within the County, *“until a regulatory floodway is adopted...”* It is then stated *“Since Tennant Creek has a defined floodway, and that floodway can be adjusted to coincide with the slightly realigned banks, this section of the of the ordinance does not apply...”* See Comment 16. This statement is only true if the Project fills in regulatory floodplain areas first. Additionally, this section refers to the County flood hazard ordinance; instead, it should refer to the City’s flood hazard ordinance, particularly Section 15.80.200 – Floodways (B), which states *“Within an adopted regulatory floodway, prohibit encroachments, including fill, new construction, substantial improvement, and other development unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in the base flood levels during the occurrence of the base flood discharge.”* It should be noted that the base flood discharge is the FEMA base flood discharge, not the ACOE hydrology discharge.

Response C.60: The County ordinance reference has been corrected to the City’s Municipal Code as noted. Since the project has components within the regulatory floodway, the project will submit a CLOMR/LOMR to reflect project changes and modify the effective Flood Insurance Rate Map.

Comment C.61:

- d. Section 4.2 indicates the effective HEC-2 model *“was obtained from the Santa Clara Valley Water District’s website.”* Not all hydraulic models provided on Valley Water’s website are FEMA effective models. Model outputs need to be verified with the County’s Flood

Insurance Study (FIS) to confirm the water surface elevations and FIS flood flows are consistent with the Valley Water model. The FEMA FIS flood flows within Tennant Creek through the site range from 290 CFS to 420 CFS, depending on the location. Additionally, the FEMA floodway model needs to be analyzed for increases due to the Project.

Response C.61: The HEC-2 model obtained from Valley Water is labeled as the FIS Study dated 1996 by Nolte and Associates but was also reviewed against the effective FIS study and shows consistent BFE values to those shown on the FIS water surface profiles.

Comment C.62:

- e. Section 4.2.4 notes that the *“proposed conditions are based on blocked obstructions (vertical walls) placed in the channel overbank as shown in the project workmap.”* Since Tennant Creek has an adopted regulatory floodway, the effective model should have blocked obstructions that were assumed to determine the limits of the floodway (i.e., floodplain encroachments). The duplicate effective model, and all subsequent models use to evaluate project impacts need to ensure these ineffective flow areas are carried over from the effective model. This section also states ACOE hydrology was used in the analysis. When a FEMA special flood hazard area has been defined, FEMA effective hydrology and modeling must be used as the existing condition floodplain to determine compliance with federal flood hazard regulations. This section also states that the Barrett Avenue culverts will be increased in capacity from three (3) 30-inch culverts to five 8-foot by 2-foot box culverts. It is not clear why such an increase in capacity is required if the Project will not increase flood flows to Tennant Creek. It is of particular concern that increasing the capacity of the Barrett Avenue culvert will increase the extent and frequency of flooding in Tennant Creek to downstream and neighboring properties.

Response C.62: The duplicate effective model carries the ineffective flow areas through subsequent models. The FEMA hydrology is used for project tie-in at the upstream and downstream ends of the revised reach per 44 CFR 65.6 (a)(2) and is now clarified in the revised Drainage Report (Final EIR Appendix C). See Master Responses 4 and 4.

Also, the increase in culvert size at Barrett Avenue is proposed to limit backwater constraints now that the site proposes to raise its overall grade, keeping previous overland flooding contained in channel. Since the analysis performed uses steady state modeling, areas located downstream of Barrett Avenue will show no impact. While the upsizing of Barrett culverts does increase “available” capacity in the channel, it does not alter the peak discharge hydrology that was assumed for the steady state modeling.

Comment C.63:

- f. Table 4-1, which summarizes the 100-year water surface elevation based on the assumed post-project conditions, show increases at several locations along the water surface profile. See comments 16.

Response C.63: The comment is correct that the project shows changes to water surface elevations within the limits of the project. Outside of the project limits, the water surface elevations are shown to be unchanged. The project will submit a LOMR to revise channel water surface elevations following FEMA standards. See Master Response 4.

Comment C.64: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Attachment 1: Storm Drain Discharge and Detention Calculations

The outlet, or the assumed point of discharge along Tennant Creek needs to be specified for all drainage calculations.

Response C.64: The outlet that is used as the basis of comparison between existing drainage conditions and proposed drainage conditions is identified as the intersection of Tennant Creek and Barrett Avenue and is shown visually in the revised drainage report (Final EIR Appendix C) via Figures 2-1 and 2-2.

Comment C.65: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Attachment 2: HEC-RAS Project Workmap

For the cross sections provided, the limits of the assumed floodplain encroachments need to be clarified.

Response C.65: The supporting HEC-RAS model in Appendix C contains all requested floodplain encroachment stations. See Final EIR Appendices C and E.

Organizations, Businesses, and Individuals

D. Becker, Kathy (dated January 3, 2024)

Comment D.1: My husband and I attended the meeting you held regarding the New Horizons Development planned for the Barrett/Hill Road area. Most of the attendees at this meeting had received a community notice for this meeting, but we live on Mira Bella Circle. As such we live beyond the 600ft limit for sending out such community notices. Thank goodness for friends, we received the alert to your meeting.

Following your meeting I thought there would be a follow-up/alert via some form of social media to notify the other surrounding homes in the Jackson Meadows area to the New Horizons issues/concerns. I am frequently on NextDoor, Morgan Hill Community on FB and a variety of other local social media outlets. I did not see anything further so as I write this I still have serious concerns

that the majority of the Jackson Meadows residences no nothing about the continued development and assessments of this area. The billboard has been there so many years that most have either forget about it or ignore it. I know this is likely too late, but I honestly believe an effort should be made to notify or alert the thousands of residence in Jackson Meadows who will be very seriously impacted by this development.

You have asked those of us who attended to submit in writing our concerns. Here are some of mine. I apologize for coming in at the 11th hour but hope my input is considered.

Response D.1: The comment includes introductory text and does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment D.2: As brought up by an individual who lives on or near Mira Bella Circle, those of us on Mira Bella Circle have primarily one way in and one way out in a case of emergency. As the gentleman pointed out, we had the Coe Park fire in August 2020 and while most of us had our vehicles loaded and read to leave it would have been a mad exodus for hundreds of us just from Mira Bella Circle alone. This does not factor in the hundreds to thousand more from Cantor Drive and ALL the surrounding streets/homes! With the city developing New Horizons there would be additional hundreds to thousands more people and vehicles trying to exit. In an emergency the small two lane Barrett that further dumps into the small two lane Hill Road are all that separates us from disaster and life or death. Seriously - we saw this happen several times in the Camp Fire, Napa, Santa Cruz! What are the considerations to remedy this type of horrific scenario in the event of a future fire, mudslide, earthquake or other tragedy?

Response D.2: The comment questions the adequacy of evacuation routes in the case of a wildfire or geologic emergency. As discussed on Pages 106 through 110 of the Draft EIR, the proposed project would be constructed consistent with the California Building Code and design-level geotechnical recommendations in order to avoid and reduce impacts from seismicity and geologic and soils hazards. Further, as discussed on Page 130 of the Draft EIR, the project would be constructed in accordance with current building and fire codes to ensure structural stability and safety, and site development plans would be reviewed by CalFire to ensure fire protection design features are incorporated and that adequate emergency access is provided.

As described on Page 225 of the Draft EIR, the City of Morgan Hill has an Emergency Operations Plan, updated annually, that establishes the emergency organization, assigns tasks, specific policies and general procedures, and provides for coordination of planning efforts of the various emergency staff and service elements utilizing the Standardized Emergency Management System. The plan includes an analysis of natural and human-caused hazards, including wildfire. In addition, the City has an emergency alert system that notifies residents for evacuation when necessary. The project site is not located in or near state responsibility areas or lands classified as Very High Fire Hazard Severity Zones. The project site is located approximately 200

feet west of a High Fire Hazard Severity Zone and as designed, incorporates multiple points of access in and out of the new development. As discussed throughout the Draft EIR, the project would comply with the Emergency Operations Plan, which applies to all types of hazards, including wildfires and geologic hazards. (

For these reasons, the project was determined to be consistent with the City-adopted Emergency Operations Plan, and would have a less than significant CEQA impact pertaining to wildfire and geologic hazards.

Comment D.3: I brought up at the meeting about the intense traffic every morning and afternoon at Barrett, Trail Drive, Hill Road and Fountain Oak due to the parents dropping off and picking up their children from Jackson oak Academy. It is a sheer nightmare today that residences in all of Jackson Meadow are nearly held hostage every school day by the flood of parent vehicles in every single one of the streets I mentioned above from approximately 7:30am - 9am and again from 2pm - 3:30, sometimes 4pm every afternoon. Rarely do the parents adhere today to the stop signs and crosswalks throughout Jackson Meadows and the no left turns at Gallop and East Dunne. What are the city's plans to address these traffic issues that involve our children, pedestrians and others? We cannot simply ignore and allow for more fatalities. If the city and planning commission has not considered past fatalities due to poor logistics then please do so now!!!

Response D.3: The comment pertains to existing observed traffic conditions in the area. Section 4.17.3 Non-CEQA Effects in the Draft EIR includes a level of service (LOS) analysis for informational purposes, in accordance with the City's LOS General Plan Policy TR-3.4. The LOS analysis includes an analysis of AM and PM peak-hour traffic conditions for 12 signalized intersections, 12 unsignalized intersections, and one future intersection. As discussed on pages 198 and 199 and shown in Table 4.17-2 of the Draft EIR, implementation of the proposed project would not have an adverse effect on operations at any of the intersections because the intersections would continue to operate at acceptable LOS (D or better).

As shown in Table 4.17-3 of the Draft EIR, six intersections would operate at unacceptable LOS under Year 2030 Cumulative conditions. These include Hill Road/Fountain Oaks Drive and Hill Road/Barrett Avenue, both of which the commenter references. As discussed on pages 208 and 209 of the Draft EIR, the project would be required to implement a separate westbound left-turn lane on Fountain Oaks Drive, and a traffic signal with protected phasing on Hill Road or a roundabout at the Hill Road/Barrett Avenue intersection. Implementation of these improvements would reduce the intersections' LOS under cumulative conditions to acceptable LOS as well as improve traffic safety.

Comment D.4: I am retired now so in most instances I can try and set my schedule to AVOID Barrett and Hill Road and all other roads/streets that would allow me to leave Jackson Meadows with some measure of safety. I have not heard that the city or the city planning commission has considered the enormous amount of traffic on the Jackson Meadows surface streets to all of the vehicles

attempting to avoid using Hwy 101. This is truly disturbing as it has been going on for years and years. In 2024 it has become nearly impossible to get onto Hill Road or across the street using Barrett unit well after 9am. Cars coming from Foothill to Tennant to Hill rarely, if ever, use the stop signs so hoping for a break in traffic is a joke. We will add insult to misery by developing New Horizons without realistic road improvements and logistics to include stops lights, blinking pedestrian crossings, etc. I for one would like to see and hear what the actual plans are for moving hundreds and thousands more residences through the streets in a safe manner. Some the vehicles using these surface streets to avoid the highway are going as fast as 50-60 miles per hour on a two lane road and even passing!!!

Response D.4: As discussed under Response D.3, the project is required to implement a separate westbound left-turn on lane on Fountain Oaks Drive at the Hill Road/Fountain Oaks Drive intersection, and either a traffic signal with protected phasing or a roundabout at the Hill Road/Barrett Avenue intersection. These improvements would improve the LOS, reduce wait times for vehicles, and improve safety at these intersections. Further, pages 207 through 210 of the Draft EIR discusses the required improvements for the Condit Road/Main Avenue, Condit Road/Tennant Avenue, Murphy Avenue/Tennant Avenue, and Condit Road/Diana Avenue intersections. These include signal modifications, lane striping, and new traffic signals with protected phasing. These requirements would improve LOS as well as improve traffic safety in the area.

Comment D.5: Numerous Jackson Meadows, Jackson Oaks and Holiday Estate access the Pedro Ponds to walk. Many are crossing Hill Road to access the ponds either by themselves or with their precious pooches. I have seen on far too many occasions near misses on Hill in the area from East Dunne to the area that is slated to be New Horizons. What plans are in place to insure the safety of these people accessing the ponds? For years now with the horrifically increased traffic on Hill Road there hasn't been any crosswalk, blinking or otherwise considerations or development. What are the plans for this in todays increased traffic AND the development of New Horizons?

Response D.5: The San Pedro Pond is located approximately 830 feet northwest of the project site. Any crosswalk and lighting improvements related to access of the San Pedro Pond are out of the scope of the project. This comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required. The City will consider this comment separately.

Comment D.6: We have lived on Mira Bella Circle for 26+ years and we have thoroughly enjoyed seeing and watching the wildlife that visits Jackson Meadows. With the development of New Horizons has the city considered the disruption to wildlife? I've seen the city not plan for disruption in wildlife in closing the dam. These wild animals are left with no immediate access to water and food. Let's remember, they were here first – we are just visitors...

Response D.6: A Biological Resources Report was prepared for the project by HT Harvey & Associates (see Appendix D to the Draft EIR). Under CEQA, a project is

required to analyze its potential impacts to candidate, sensitive, or special-status plant and animal species. As discussed on Pages 62 through 70 of the Draft EIR, the project would be required to implement mitigation measures MM BIO-1.1, 2.1, 3.1, and 4.1 to reduce any potential impacts to nesting birds, burrowing owls, roosting bats, and the monarch butterfly. As discussed on Page 71 of the Draft EIR, the project does not contain suitable habitat for special-status plants, and therefore would not have an impact on special-status plant species. The displacement of common animals using the site currently as habitat is acknowledged and disclosed in the Draft EIR, and is a common impact from development of vacant, undeveloped sites such as the subject site.

Comment D.7: Curious if the city has plans to insure this New Horizons development isn't invaded by the rats caused from the trash and garbage from the five (5) large homes across Barrett and that back up to the farm fields. I believe the homes and surrounding farm land are owned by Emily Chen. I believe she is well known to the city. She built these homes and there are dozens of residences in each of the homes who allow their trash and garbage to be thrown and tossed outside the homes. This has caused rats to invade areas of Mira Bella Circle and Barrett. Because each house has anywhere from 10-15+ cars per residence you have to factor those to the traffic issue AND a serious vehicle abandonment issue. Adding more people and homes to this immediate area will only make these three issues (rats, large amount of people per household, and hundreds or more vehicles) more pronounced.

Response D.7: This comment pertains to purported issues with rats on a property unrelated to the subject project site, and is not a comment regarding the project's potential environmental impacts. Pests such as rats are not considered an environmental issue under CEQA. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment D.8: Hill Road is both city and county. The portion that would run parallel to the New Horizon development is city property therefore it is maintained by the city. The other portion of Hill that runs to Tennant is county and is rarely maintained. Are there plans in the development that that portion of Hill and all of Barrett will be overseen and then care of by the city?

Response D.8: There are no plans for the City to take over the maintenance of portions of Hill Road or Barrett Road that are subject to County jurisdiction at this time. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment D.9: Barrett is overseen by the county and is never ever, ever taken care of. The rain created huge gullies alongside one side of Barrett years ago and they just get larger with each year of rains. The area tends to flood out where the creek runs under Barrett and the pot holes are simply getting larger. Who will be responsible for Barrett when/if New Horizons is developed?

Thank you Tiffany for your time and considerations of my input. I appreciate the fact that we can provide input and dearly, dearly hope some good come from it. I hope others provided input but I am sorry that there are likely many in Jackson Meadows who weren't afforded the opportunity. I also hope the city will take care of some very serious and dangerous traffic/road issues BEFORE New Horizons breaks ground. THIS IS TOO SERIOUS NOT TAKE PROACTIVE MEASURES NOW!!!

Response D.9: Refer to Response F.5.

E. Hanson Bridgett LLP (December 18, 2023)

Comment E.1: Our office represents Morgan Hill Devco, LLC, the applicant for the above-referenced project. We appreciate the City's publication of the Draft EIR, and the applicant looks forward to the completion of environmental review of this project. To that end, this letter focuses only on two impact areas, Agricultural Resources and Greenhouse Gases, where we found larger legal discrepancies with how the project was analyzed under CEQA, as detailed below.

These issues are important because, not only are the Agricultural Resource and portions of the Greenhouse Gas mitigations unwarranted under CEQA, they would result in monetary exactions that would increase the cost of delivering the project to the Morgan Hill community, and could impede the delivery of much-needed affordable housing for seniors, which is the central feature of the New Horizons project. The applicant therefore respectfully requests the changes detailed below, to ensure that the Draft EIR is processed in accordance with the requirements under CEQA and constitutional principles governing lawful mitigation measures.

Despite the persistent affordability crisis plaguing the state with each passing year, the housing crisis has been eclipsed by even stronger headwinds from rising construction costs, lack of financing, and the significant increase in cost of builders' risk insurance. As such, the applicant would prefer to reinvest the unnecessary mitigation costs back into the project, to deliver the highest quality amenities that can reasonably be provided for a project of this scale.

Response E.1: The comment includes introductory text regarding two issues (agricultural resources and greenhouse gases) that are discussed in more detail in following comments, for which responses are provided below, and does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment E.2: The Draft EIR's Analysis of Agricultural Resources is Based on Outdated Mapping; Substantial Evidence Supports a Finding that the Property is not Prime Farmland

The City, as the lead agency under CEQA, must exercise its own judgment to establish a significance threshold for agricultural mitigation for the New Horizons project that reflects the existing conditions at the site, which has not been irrigated for more than 5 years. As noted in the CEQA Guidelines, "[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the [City], based to the extent possible on

scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting.” The site therefore cannot be designated as prime farmland, farmland of statewide importance, or unique farmland given the facts in this case that establish that no irrigation or farming of the site has occurred for at least five years.

In addition, a project-specific significance threshold is more appropriate than the default approach, particularly when the default approach is based on an outdated, general assumption about the site that is not supported by substantial evidence. In addition, project-specific thresholds do not need to be formally adopted because the requirement for formal adoption applies only to significance thresholds of general application.

Here, the New Horizons Draft EIR follows the typical approach of analyzing impacts to agricultural lands by referring to the significance threshold in Appendix G, which generally states that the Farmland Mapping and Monitoring Program should be used to identify Prime Farmland or Farmland of Statewide Importance. The Department of Conservation (the “DOC”), however, defines Prime Farmland, Farmland of Statewide Importance, and Unique Farmland as follows:

Prime Farmland has the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some point during the four years prior to the mapping date.

Farmland of Statewide Importance is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Unique Farmland consists of lesser quality soils used for the production of the state’s leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years to the mapping date.

The DOC provided the above statements in bold, underlined text, to punctuate the importance that irrigation and land cultivation are essential components for any land meeting the above designations. These are also essential features for agricultural mitigation measures under CEQA to withstand constitutional scrutiny.

For the New Horizons project, substantial evidence clearly supports the finding that the site has not been irrigated for more than five years. The attached, historical aerial imagery from Google Maps confirms that 2017 was the last year that irrigated row crops were planted at the site. The most recent update to the Farmland Mapping and Monitoring Program occurred in late 2022, or early 2023. The New Horizons project site therefore has remained unirrigated for more than four years

since the last mapping effort by the DOC. The same result would be found if the four-year period were measured from the City's publication of the Notice of Preparation in 2021.

The FMMP also cautions that its "data is not designed to be used for parcel specific planning purposes due to its scale and size of the minimum mapping unit." The FMMP is therefore akin to the US Army Corps' wetlands mapper: the Corps uses GIS and other desktop surveys to map out the areas where wetlands have the potential to occur. The Corps, however, does not base its jurisdictional delineation of wetland areas on the wetlands mapper when actual, site-specific conditions show that none of the criteria for wetlands exist onsite. Here, the FMMP, just like the Corps' wetlands mapper, cannot be used to supersede actual aerial data showing that the New Horizons site has not been irrigated for more than five or six years.

Accordingly, the applicant requests that the threshold of significance for potential impacts to Agricultural Resources in the Draft EIR be revised, as follows:

4.2.2.1 Project Impacts

(a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, ~~as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency,~~ to non-agricultural use?

This revision to the Draft EIR should be coupled with the incorporation of aerial slides from Attachment 1 to this letter, to document with substantial evidence in the Draft EIR that none of the project area has been irrigated for more than 5 years since the last update to the FMMP in 2022, and for more than 4 years since the publication of the NOP. As such, the applicant requests that the significant and unavoidable finding be revised to a less-than-significant impact, with no mitigation required, in accordance with CEQA and constitutional law.

Response E.2: The comment requests that the project's significant and unavoidable impact to agricultural resources should be revised to a less than significant impact because the project site has not been irrigated or used for farming practices for the last five years, and that the Draft EIR relies on an outdated version of Important Farmland data.

The latest Important Farmland data available on the California Department of Conservation's website is dated 2020.¹ Although Page 27 of the Draft EIR references the 2018 Important Farmland map, the same portions of the project site are labeled as Prime Farmland and Farmland of Statewide Importance on both the 2018 and 2020 maps. The purpose of the Farmland Mapping and Monitoring Program (FMMP)

¹ California Department of Conservation. "Farmland Mapping & Monitoring Program." Accessed January 19, 2024. <https://www.conservation.ca.gov/dlrp/fmmp/>

is to serve as a current inventory of agricultural resources, and the Draft EIR is consistent with the latest information available on the California Department of Conservation's website. If the last year site was last irrigated was 2017, that would fall within the stated requirement that land must have been used for irrigated agricultural production at some point during the four years prior to the mapping date (2020). For these reasons, this comment does not warrant text revisions to the Draft EIR.

Additionally, if the project site has not been irrigated or used for farming since 2017, the project proponent could consider contacting the Department of Conservation directly to request an update to the Important Farmland map to reflect the changed status of the site's agriculture use, and should the FMMP show the site no longer mapped as Prime Farmland or Farmland of Statewide Importance, the City could rely on the changed mapping status of the site at the time subsequent entitlement actions, e.g. Development Permits, tentative maps, etc. occur as the project is implemented over time.

Comment E.3: The Draft EIR's Analysis and Mitigation of Greenhouse Gas Emissions Should Be Based on the Most Current Guidance Adopted by the Bay Area Air Quality Management District

The GHG analysis in the Draft EIR refers to the Bay Area Air Quality Management District to establish a "bright-line" CEQA threshold. In 2023, however, BAAQMD updated its GHG CEQA threshold and no longer recommends using a bright-line or quantitative approach to calculate a project's GHG impacts and GHG reduction goals. The Draft EIR should be revised to incorporate BAAQMD's updated CEQA significance threshold, which it adopted after a lengthy rulemaking, to establish a qualitative and performance-based approach for reducing greenhouse gases, particularly for residential projects such as New Horizons. Alternatively, the Draft EIR should be revised to establish that compliance with BAAQMD's updated mitigation measures would adequately mitigate the project's potential impact to global climate change.

Under BAAQMD's updated GHG CEQA threshold, a project's GHG impact should be deemed less than significant if it incorporates certain Design Elements, or demonstrates Consistency with a Local GHG Reduction Strategy. Under the first test, if certain design elements are incorporated into the project, such as all-electric residential buildings, the City should find that the project will contribute its fair share in achieving California's long-term climate goals, and that the project would not cause a cumulatively considerable contribution to global climate change. Under the second threshold, the City should find that the project will have a less-than-significant impact on global climate change if the project is consistent with the City's local GHG reduction strategy. These performance-based mitigation measures supersede BAAQMD's previous approach to quantify GHG emissions and establish project-level quantified reductions. The Draft EIR mitigation measures should therefore be revised to allow compliance with BAAQMD's updated performance standards as mitigation measures that will achieve the necessary GHG reductions to ensure that the project will not have a significant impact on global climate change.

BAAQMD has moved away from recommending carbon credits as mitigation, focusing instead on measures that achieve GHG reductions and sequestration occurring within the community. This shift is based on the difficulty in enforcing carbon credits, and the fact that local plans should be favored, particularly where they demonstrate how the state's long-term GHG reduction targets can be achieved without the use of offsets. In addition, neither the applicant nor the City should be in the business of procuring and monitoring the veracity of carbon credits, when significant, verifiable reductions can be made locally. Finally, local mitigation provides greater co-benefits that improve the quality of life of the community.

Accordingly, the Draft EIR Should Rely on the City's Climate Action Plan, Pursuant to BAAQMD's Updated GHG CEQA Significance Threshold, to Find that the Project Will Have a Less-than-Significant Impact on Global Climate Change

The City's Climate Action Plan substantially complies with the requirements of a local reduction strategy. Compliance with the City's CAP effectively mitigates the project's potential impacts to global climate change, particularly because the New Horizons project will commit to building all-electric residential buildings, and will ensure that garages are equipped to be ready for electric-vehicle charging, in accordance with California Electrical Code, Article 625.

The City of Morgan Hill's CAP is an adequate GHG reduction strategy under BAAQMD's qualitative significance threshold, and meets the criteria of the CEQA Guidelines, particularly when reviewed in connection with the analysis in the City's General Plan EIR, which included a quantification of existing and proposed GHG emissions within City limits, through 2035. The City's 2035 General Plan EIR identified buildout scenarios of the proposed General Plan that would achieve BAAQMD's 2035 performance standards. The City's Climate Action Plan adopted in 2021 goes even further, by identifying actions needed to achieve a targeted 100% reduction in local GHG emissions by 2045.

In addition, MM GHG-1.1 states that "[t]he GHG reduction plan shall be implemented until the City adopts its GHG reduction plan consistent with the State's interim 2030 GHG emissions reduction target of 40 percent below 1990 levels." However, the City has already adopted a GHG reduction plan consistent with the State's 2030 reduction target. More importantly, the CAP targets a 100% reduction in local GHG emissions by 2045, and therefore is consistent with GHG reductions targets under California Executive Order B-55-18 and SB 100 (De Leon, 2018).

Accordingly, the Draft EIR should be revised to note that the project meets BAAQMD's CEQA threshold for GHG emissions without the incorporation of additional mitigation measures.

Thank you for considering these comments and, again, we look forward to the completion of environmental review for this project. Please do not hesitate to reach out to me or the applicant if you have any questions regarding our comments.

Response E.3: The comment suggests that the Draft EIR's greenhouse gas (GHG) emissions analysis should be revised in accordance with the Bay Area Air Quality Management District's (BAAQMD's) 2023 update. The comment also asserts that

this revision would minimize the significant and unavoidable GHG impact to less than significant levels and eliminate the need for mitigation measure MM GHG-1.1.

The commenter is correct that the 2023 BAAQMD guidelines state a project's GHG impact can be considered less than significant if the project incorporates certain design elements or demonstrates consistency with a Local GHG Reduction Strategy/Climate Action Plan (CAP). As discussed on Page 114 of the Draft EIR and Page 32 of the Air Quality and GHG Report (Appendix B to the Draft EIR), the City's CAP does not have a specific metric ton GHG threshold for project-level construction or operation, nor does it have a CAP compliance checklist. The CAP is, therefore, does not qualify as a qualified CAP, and the project's GHG emissions cannot be covered by the CAP for purposes of CEQA. As such, the project was analyzed using the quantitative modeling approach, based on the BAAQMD GHG Guidelines in effect at the time the Draft EIR was prepared. CEQA allows for both quantitative and qualitative approaches to evaluating GHG emissions, and the BAAQMD GHG guidelines prior to 2023 recommended quantitative thresholds, and the Draft EIR's approach to evaluating GHGs was based on the quantitative BAAQMD thresholds in effect at the time the NOP was issued.

Furthermore, if the current BAAQMD qualitative approach was taken to analyze GHG emissions for this project, the project would continue to have a significant and unavoidable GHG emissions impact as a result of its significant and unavoidable VMT impact, since one of the current BAAQMD qualitative criteria for less than significant GHG emissions is for a project to have less than significant VMT. For these reasons, this comment does not warrant text revisions to the Draft EIR or GHG report.

F. Rose, Donna (dated January 3, 2024)

Comment F.1: These are my comments regarding the draft EIR report for the New Horizons project.

1. The street that I currently live on Sorrel Way at Fountain Oaks is planned to be opened up to support the new housing development as a through-street to Barrett. Currently, Sorrel on the other side of the existing field is Sorrel Road not Sorrel Way. Will our street continue to be Sorrel Way?

Response F.1: The proposed project would not change the name of the existing Sorrel Way. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment F.2: 2. What kind of safety feature will be added to the exit from the development on to Sorrel Way? Will there be a stop sign or a roundabout? Originally, the developer said there would be a surface grading difference installed to slow down traffic between Barrett and Fountain Oaks/E. Dunne. This doesn't appear to be mentioned in the EIR. What is the current safety plan for Sorrel Way?

Response F.2: The applicant proposes a four-way stop at the intersection of Sorrel Way and the proposed Street A. The plans also include a proposed 60-foot right-of-way at Barrett Avenue, which would be implemented as a speed reducing measure, given the relatively narrow travel lanes in a 60-foot right-of-way would serve to limit the speed of most drivers.

Comment F.3: 3. Planned residential parking appears to be insufficient for the amount of residents. How will parking on current nearby resident streets (e.g. Sorrel Way) not be negatively impacted?

Response F.3: As discussed on page 9 of the Draft EIR, the project would include a total of 1,190 off street parking spaces, consisting of 632 covered spaces, 538 uncovered apron spaces, 12 uncovered parking bays, and eight car ports. Street parking would also be available. The project, with 320 units, complies with the City of Morgan Hill’s parking space requirements in Chapter 18.72.030 and Chapter 18.84 of the Municipal Code, which are summarized in the table below.

City of Morgan Hill Parking Space Requirements	
Residential Land Use	Number of Required Parking Spaces
Multifamily Dwellings	
Studio or One-Bedroom	1 covered and 0.5 uncovered per unit
Two Bedroom	1 covered and 1 uncovered per unit
Three Bedroom	1 covered and 1.5 uncovered per unit
Senior Housing	
Multifamily	1 covered per unit
Single-family	50% of units with 2 covered spaces, 50% with 1 covered space
Single-Family Dwellings, Attached and Detached	2 covered per unit
Accessory Dwelling Units (ADUs)	None required for ADUs constructed within primary residence or accessory structure; none required for junior ADUs

As discussed throughout the Draft EIR, the project is estimated to generate 975 residents. The total number of 1,190 parking spaces is adequate for the estimated number of residents, applying the parking requirements noted above to the proposed units and factoring in the types of units and bedroom counts.

Comment F.4: 4. The EIR acknowledges traffic will be heavier at Fountain Oaks and Hill Road. This is a heavily trafficked area currently without the addition of these new houses. How does the city plan on addressing this issue?

Response F.4: While CEQA requires a vehicle miles traveled (VMT) approach for evaluating project impacts on transportation systems, the City sets forth Level of Service (LOS) standards and criteria for roadways in General Plan Policy TR-3 (refer to page 185 and 186 of the Draft EIR). As such, the Transportation Analysis prepared for the project evaluated the project's LOS impacts on 12 signalized intersections, 12 unsignalized intersections, and one future intersection. This discussion is included in the Draft EIR for informational purposes (refer to Section 4.17.3 Non-CEQA Effects beginning on page 196 of the Draft EIR).

As suggested by the commenter, traffic associated with the proposed project would degrade the LOS at the Fountain Oaks and Hill Road intersection to an unacceptable LOS E during the AM peak hour. As discussed on pages 208 and 209 of the Draft EIR, the project is required to implement a separate westbound left-turn lane on Fountain Oaks Drive. Implementation of this improvement would improve the intersection's LOS to an acceptable LOS C during the AM peak hour.

Comment F.5: 5. There is commonly flooding at the end of Sorrel Way at the existing field during the winter. This problem has been reported several times to the City. How will the developer solve, and not exacerbate, this problem?

Response F.5: As discussed on page 142 of the Draft EIR, the project site is known to experience flooding that has led to mudslides in the past. During the construction phase, a Stormwater Pollution Prevention Plan (SWPPP) and a Stormwater Management Plan (SWMP) will be prepared to avoid on-site erosion. Within the proposed project, the amount of open space will be reduced due to the new residential development. Refer to Master Response 4 for an explanation as to why the project would not worsen existing flooding issues.

G. Rose, Donna (dated January 3, 2024)

Comment G.1: I need to correct the street name from my last email. It is Sorrel Way on one side of the field and Sorrel Drive on the other side of the field. This is the street that the developers plan to open up and make a thorough-fare.

Response G.1: The comment makes a revision to prior Comment F.1, which was responded to in Response F.1, and does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

H. Serrano, Abbie (dated January 2, 2024)

Comment H.1: Further to the City's DEIR meeting on December 4th, 2023, following are some of the concerns addressed regarding the New Horizons Development project located along Barrett Ave and Hill Road:

1. Pedestrian safety at San Pedro Pond: Pedestrian with pets and children cross Hill Road in front of the Ponds on a daily basis. There is no pedestrian crosswalk or additional lighting to ensure their safety.

Response H.1: Refer to Response D.5.

Comment H.2: 2. Water channel culvert that parallels Hill Road near Fountain Oaks Drive: During rainy season, this waterway has been known to flood causing road damage and slowing vehicular traffic to a crawl.

Response H.2: Refer to Master Response 4 for an explanation as to why the project would not worsen existing flooding issues.

Comment H.3: 3. Highway 101 commuters using city surface streets to bypass congested traffic on freeway: Tennant Ave, Murphy Rd, Hill Rd, Dunne Ave, E. Main Street are all being used as roadways to avoid traffic and adds to surface street congestion. Additionally, drivers recklessly disobey posted traffic speed limits, and pass cars into oncoming traffic without regard for pedestrian and cyclists safety.

Response H.3: This comment pertains to existing conditions that have been observed and does not question the adequacy of the Draft EIR analysis. To the extent commuters are avoiding US 101 Highway and diverting to local streets, those diverted trips are reflected in the traffic counts taken to document existing conditions for the project's traffic impact analysis and the traffic conditions reflecting the project implementation also account for those commute trips on local streets; therefore, no further response is required. The City will consider this comment separately.

Comment H.4: 4. During school session there is a significant and impacting amount of vehicular traffic along Barrett Ave, Fountain Oaks Drive and Trail Road. Parents regularly disobey speed limits, double park, park in red zones etc to drop off children at Nordstrom Elementary School. At times, it is difficult and dangerous to turn north and southbound onto Hill Drive from Fountain Oaks Drive and Barrett Avenue.

Response H.4: This comment pertains to existing conditions observed around the elementary school and does not question the adequacy of the Draft EIR analysis; therefore, no further response is required. The City will consider this comment separately.

Comment H.5: 5. Hill Road is a low-lying roadway that often floods during the rainy season. The pavement inevitably erodes and causes large potholes that require annual repairs. During repairs, the roadways are completely shutdown or reduced to one lane only. This increases traffic congestion in area with limited egress.

Response H.5: This comment pertains to observations of existing conditions and does not question the adequacy of the Draft EIR analysis; therefore, no further response is required. The City will consider this comment separately.

Comment H.6: 6. Fire safety concerns: Most recently, the SCU fire engulfed Santa Clara County. Residents were placed on high-alert and advised to prepare for evacuations over several days. If the fire crested the mountain side along Harvey Bear Park and Anderson Lake, thousands of residents would be forced to evacuate within a short period of time causing massive gridlocks and chaos. For those owning 4-wheel drive vehicles, they drive off-road or on the sidewalks to save their lives. Families living near or off Trail Drive have very limited egress during natural disasters or emergencies. East Dunne Ave at Gallop Drive became a right turn only exit after a fatal vehicular accident at said intersection. This direction of travel forces drivers into danger should a fire were crest westbound from the mountains.

Response H.6: As discussed in Response D.2, the project would be constructed in accordance with current building and fire codes, site development plans would be reviewed by CalFire to ensure fire protection design features are incorporated and that adequate emergency access is provided, and the project has been determined to be consistent with the City's Emergency Operations Plan.

Comment H.7: 7. Barrett Avenue is a two-lane country road without any sidewalks or buffer for pedestrians or cyclist. Is there a plan to add sidewalks to the north and south sides of Barrett Avenue to ensure safety?

Response H.7: As discussed on Page 12 of the Draft EIR, the project proposes off-site improvements, including curb and gutter with landscape strip, sidewalk, and streetlight improvements along the project frontages at Hill Road and Barrett Avenue. As discussed on Page 193 of the Draft EIR, the project's proposed improvements along Hill Road will be required to accommodate the implementation of planned bike lanes along Hill Road. In addition, MM TRN-1.1 described on Page 194 of the Draft EIR requires the project to improve the surrounding pedestrian network by including sidewalks to allow for connections to adjacent properties. Further, as discussed on Page 209 of the Draft EIR, the project will be required to implement a traffic signal with protected phasing on Hill Road at the Hill Road and Barrett Avenue intersection, which would improve the intersection's LOS to an acceptable LOS B while increasing safety.

Comment H.8: 8. Jackson Park is slotted to be revamped and will include a dog park. Dog owners allow pets to run off leash at this park against the City's municipal code. I've never seen a police officer or code enforcement officer enforcing these laws.

Response H.8: The project proposes off-site improvements to Jackson Park including trail connection to Hill Road, infrastructure to improve drainage/flooding issues, and expansion of the park to include additional amenities. These additional amenities

would include a dog park. Figure 3.2-6 of the Draft EIR shows the project's Open Space Exhibit. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required. The City will consider this comment separately during the Design Permit and off-site improvement agreement process. Park improvements will be reviewed by the Parks and Recreation Commission, and then by City Council.

Comment H.9: Is there a consideration for additional parking in the area, as it is all residential curbside parking only.

Response H.9: At this time, project plans do not propose additional parking at Jackson Park. The Jackson Park improvements have not been fully flushed out, as these improvements are intended to take place during Phase 2 of the project. The City will take this request for additional parking into consideration during the Design Permit and off-site improvement agreement process.

Comment H.10: 9. In 2017, Anderson Reservoir overflowed which caused the flooding and closure of N/B and S/B Highway 101. Drivers are forced onto Monterey Road to bypass the closure. This cause gridlock traffic in most areas east of Highway 101.

Response H.10: This comment pertains to conditions related to prior flooding experienced in 2017, and does not question the adequacy of the Draft EIR analysis; therefore, no further response is required. The City will consider this comment separately.

Comment H.11: 10. All three freeway onramps (Tennant Ave, E. Dunne Ave, Cochrane Rd.) to Highway 101 have metering lights with a designated commuter lane. As well-intended as these traffic signals are, some drivers cutoff other drivers by driving over the solid white lines and merging at the last minute to avoid sitting in traffic. In 2016, the Metropolitan Traffic Commission reported 24% of drivers in the commuter lane were solo drivers. Is there consideration for allowing 2-vehicles per green light to merge onto the freeway. Also, at westbound Cochrane Rd onto northbound 101 there is a "Stop at Red" traffic sign, yet there are several erected roadway pylons that would not allow for other traffic to flow onto the same traffic lane, requiring drivers to wait for the green traffic signal appears moot. This adds traffic backups on surface streets.

Response H.11: The referenced conditions observed at freeway onramps and roadways are unrelated to and not within the scope of the project. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required. The City will consider this comment separately.

Comment H.12: 11. The field where the development site is set to construct is regularly visited by animal wildlife. I've seen deer, roadrunners, ducks, foxes, coyotes, and so forth graze on these lands as a mean for survival. Will there be any consideration for native plants and/or trees that they may continue to feed on?

Response H.12: Refer to Response D.6.

Comment H.13: 12. Is the city and Morgan Hill Police Department considering adding additional resources to their force? I've called the police department on several occasions and although the dispatchers answer promptly, I've waited over an hour for an officer to arrive at the scene of an assault where a mentally unstable man was vandalizing property and assaulted an elderly male causing injury. It seems the city continues to add housing without consideration for the impact on the 9-1-1 system.

Response H.13: Police Department's staffing is not within the scope of the CEQA analysis of the project, as CEQA is focused on whether the project would require or result in the need to construct new facilities or the modification of existing facilities to serve the project, i.e. physical activities that alter the environment, and not with staffing levels for various departments that would provide services to future project residents. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required. The City will consider this comment separately.

Comment H.14: 13. Will the project contain any retaining walls to reduce overall neighborhood noise? There are a handful of residences along Hill Rd and Barrett Ave that regularly have large annual parties, especially during the summer months. Some of these parties have live bands further disrupting residents. Will the city amend the noise ordinance to terminate at 10PM instead of the current 11PM curfew? South of Barrett Avenue is the Sheriff's Department jurisdiction. They habitually have extended response times to such calls. Will the city adopt a "brotherly code" where the Morgan Hill PD can enforce these laws in a timely manner?

Response H.14: This comment pertains to noise from existing residential areas near the site, and does not pertain to noise related to the proposed project. As this comment is unrelated to the EIR's analysis of the project's impacts, no further response is required. The commenter is encouraged to contact City code enforcement staff if there are noise complaints, including live music performances, from existing residences in the area.

Comment H.15: 14. There are 4 large residences at the east end of Trail Drive with a primary home and what appears to be an attached Additional Dwelling Unit. This area has become a boneyard for broken-down cars, trash strewn about and the city/sheriff does not appear to take an interest to addressing the sanitary issue which diminishes residents home value.

Response H.15: The referenced residences are not within the scope of the project. The comment does not pertain to the proposed project and does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

Comment H.16: 15. The addition of new homes in these areas will inevitably cause additional traffic congestion, including the downtown Morgan Hill area which is already overpopulated and congested. It can be difficult to find parking if one is to visit downtown Morgan Hill diners. Is there consideration for additional parking in downtown Morgan Hill to alleviate the parking dilemma?

Thank you for your consideration to this matter.

Response H.16: This comment pertains to parking in downtown Morgan Hill, which is unrelated to the project. The comment does not question the adequacy of the Draft EIR analysis; therefore, no further response is required.

I. Tanner, Tom (dated December 20, 2023)

Comment I.1: The following are questions/comments regarding the Draft EIR for the New Horizons project.

Transportation Analysis (Appendix J) uses an analysis methodology that does not closely match the real existing traffic volume from the nearby neighborhood. While the traffic study is based on accepted tools like VTA VMT Evaluation Tool and , the analysis is based on VMT per capita criteria (citywide average VMT per capita is currently 24.64) that does not accurately match existing neighbor vehicles per household and vehicle trips and probable matching/similar vehicles per household and vehicle trips for the project. The norm for vehicles per household in the existing neighbor is approximately 4 vehicles per domicile/household. Some neighborhoods (Trail Drive south of Barrett Ave) regularly have 40 vehicles for the 6 houses (almost 7 vehicles per house) on that segment of Trail Drive. Therefore ADT (average daily trips) and VMT per capita metrics are significantly understated for the transportation analysis making EIR alternatives and mitigations incorrect.

Response I.1: The vehicle miles traveled (VMT) evaluation completed for the project utilizes a tool developed by VTA in coordination with the 15 cities and towns within Santa Clara County. Local agencies, including the County and Cities of Morgan Hill and Gilroy, rely on the VTA VMT tool to complete required CEQA-required VMT analysis for proposed development projects. The VMT tool relies on the county-wide Travel Demand Model (TDM) which utilizes regional (Bay Area), County, and City-specific demographics including local-level household and job allocations to estimate project-generated VMT. The reported VMT for residential uses such as the proposed project utilizes average VMT per capita (i.e., VMT per resident) for home-based work trips. The use of average VMT per capita metric is consistent with guidance of the Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018.

Since VMT per capita is reflective of average length of home-based work trips for residents in the area of the project site, the number of residents and vehicles per household referenced by the commenter have no effect on the reported VMT per

capita. It should be noted that the reported average 33.25 VMT per capita for the proposed project is reflective of the average length of home-based work trips for residents in the area of the project site and is greater than the 24.64 VMT per capita referenced by the commenter. Additionally, as discussed on Page 193 of the Draft EIR, the transportation analysis analyzes the project against a threshold of 20.94 VMT per capita in accordance with OPR recommendations for 15 percent below the existing levels for residential land uses.

Furthermore, the VMT analysis indicated that the project would have a significant unavoidable impact. As discussed on Page 194 of the Draft EIR, implementation of mitigation measure MM TRN-1.1 would reduce the project's impacts to 29.55 VMT per capita, exceeding the 20.94 VMT per capita threshold, and cannot be mitigated further. Thus, presumptions of greater vehicles per household for the project will have no effect on the determination of impact, which is based on per capita, and not overall household, VMT. For these reasons, this comment does not warrant text revisions to the Draft EIR.

Comment I.2: Parking for the project is understated if Morgan Hill standards are utilized. The norm for vehicles per household in the existing neighborhood is approximately 4 vehicles per domicile/household. Some neighborhoods (Trail Drive south of Barrett Ave) regularly have 40 vehicles for the 6 houses (almost 7 vehicles per house) on that segment of Trail Drive.

Response I.2: Refer to Response F.3.

Comment I.3: Speed signage with Radar is not an effective mitigation. In order for this to be effective, local police/county sheriff/highway patrol has to have units actually monitor traffic speed and issue tickets. This will rarely be done (even if it is done, traffic speed resumes normal speed shortly after the monitoring is no longer done) so this mitigation will have no real effect on traffic speed.

Response I.3: The Draft EIR does not include a mitigation measure that requires speed signage with radar. As discussed on Pages 194 and 195 of the Draft EIR, the proposed Barrett Avenue roundabout has the potential to reduce the number of collisions and maintain low travel speeds through the intersection.

Comment I.4: Traffic analysis did not include the alternative of a 4 way stop at Hill Road and Barrett Avenue (as I requested in a previous email to Morgan Hill/Tiffany Brown). Most traffic on Hill Road is cut-through traffic (to avoid US 101) and is not from Morgan Hill residents but from the vehicles from outside Morgan Hill (from San Benito County, coming from Hwy 152/New Ave for example). When the Waze application from Google was first introduced, traffic on Hwy 17 was recommended to re-route through the Town of Los Gatos as a faster alternative to Hwy 17. Upon discovering this impact to its local streets, the Town implemented measures that would then have Waze from showing local streets as a better alternative than Hwy 17. Making the intersection of Hill Road and Barrett Ave as a 4 way stop sign intersection will discourage the non-Morgan Hill

vehicle traffic from using Hill Road northbound at Tennant Ave in the morning commute and evening commute traffic from southbound US 101 (often exiting at Cochran Ave then using east Morgan Hill local streets.) This alternative would be consistent with how Morgan Hill and Santa Clara County has recently installed stop signs (and created 3 way or 4 way stop intersections) on local streets to try to control traffic flow. Morgan Hill should implement this measure for Morgan Hill residents to improve and control cut-through traffic impacts.

Response I.4: The implementation of four-way stop control at the Barrett Avenue and Hill Road intersection may serve as a deterrent to the use of Hill Road as a regional cut-through route as suggested by the commenter. However, consideration of implementation of four-way stop control at the intersection as an interim measure to address the existing cut-through issue must be considered separate from the proposed project. As discussed on Page 209, the project analysis indicates the need to install a traffic signal at the Barrett Avenue and Hill Road intersection to facilitate the increase in traffic to and from Barrett Avenue. The installation of a traffic signal at the intersection will allow for safe controlled turn movements to and from Barrett Avenue and may also serve as a deterrent to the referenced use of Hill Road by cut-through traffic. For these reasons, this comment does not warrant text revisions to the Draft EIR.

Comment I.5: Traffic analysis did not consider the regional origin/destination of vehicle traffic (especially on Hill Road). See comment above.

Response I.5: The traffic operations analysis utilizes traffic counts at intersections which inherently include all traffic on the roadway system, including any potential cut-through traffic. However, the traffic analysis is not required to consider the origin/destination of vehicular traffic whether it be local or regional. Thus, this comment does not warrant text revisions to the Draft EIR.

J. Weyl, Denise (dated December 21, 2023)

Comment J.1: I am a homeowner on Trail Drive near the proposed 69.4 acre project bounded by Barrett Ave, Sorrel Dr, and Jackson Park. It's sad for me as a homeowner in this area for the past 25 years to see this large agricultural parcel about to be developed into over 300 residences. My concerns include: the traffic that will certainly increase as a result of this large new number of homes, water usage from this additional population in the age of increased drought, and the obliteration once again of Morgan Hill's largely agricultural/rural heritage.

I understand the need to increase the number of homes in Morgan Hill given the shortage of housing in the Bay Area, but it appears to me that there is unbridled development in our city everywhere you look. I hope that the availability of the necessary resources and infrastructure are being strongly considered, not just the additional tax dollars that the city will receive from new residents and taxpayers.

Response J.1: Refer to Responses D.3 and D.4 regarding the Draft EIR's LOS analysis for the project and requirements that would be implemented to reduce traffic and improve safety within the project vicinity.

Regarding water usage, page 219 of the Draft EIR discusses how the proposed project is consistent with the City's 2021 Water System Master Plan (WSMP). The WSMP assumed a water demand of 117,979 gpd for the project site, while the proposed project would result in a water demand of approximately 118,235 gpd, a negligible difference of less than 300 gpd, or less than one gpd per unit in the project. The City's 2020 Urban Water Management Plan (UWMP) determined that there is sufficient supply to meet water demands within the service area through 2045. The UWMP includes water shortage contingency actions which would serve to reduce water consumption during a drought in dry-year and multiple-dry year scenarios. The project is mostly consistent with the City's Water Conservation Ordinance (the purpose of which is to reduce water consumption within the City of Morgan Hill through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, and maximize the efficient use of water) because it would comply with General Plan Policies SSI-14.5 and SSI-14.8 ensuring that new development does not exceed water supply and is evaluated to ensure long-term water supplies are available. However, since the proposed pond would be unable to use non-potable water from the on-site wells or federal pipeline as originally proposed, the pond would use potable water, which would be considered wasteful under the City's Water Conservation Ordinance. The discussion on Page 219 of the Draft EIR has been revised accordingly. Refer to Section 5.0 Draft EIR Text Revisions.

Section 5.0 Draft EIR Text Revisions

This section contains revisions to the text of the Morgan Hill Devco Draft EIR dated November 2023. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page iv List of Appendices; text will be REVISED and ADDED as follows:

Appendix A: NOP and Comments

Appendix B: Air Quality and Greenhouse Gas Analysis

Appendix C: Tree Inventory

Appendix D: Biological Resources Report

Appendix E: Architectural Survey Report

Appendix F: Phase I ESA

Appendix G: Supplemental Soil Quality Evaluation

Appendix H: ~~Flooding and~~ Revised Drainage Study

Appendix I: Noise and Vibration Report

Appendix J: Transportation Report

Appendix K: Geotechnical Investigation Report

Page 11 Section 3.2.4 Utilities; the text will be REVISED as follows:

The maximum depth of excavation for utilities would be 12 feet, and the maximum depth of excavation for the proposed pond would be 10 feet. The 0.5-acre pond would be concrete-lined, with a maximum depth of eight feet and a five-foot wide, 18-inch deep ledge. The proposed pond would include fountains that recirculate water using electric-powered pumps. ~~The existing on-site well would provide the primary source of water. To provide a back-up non-potable water supply, the project applicant proposes to connect to the federal pipeline located within the Hill Road right-of-way.~~ The project would use the City's potable water supply to serve residents and fill/maintain the pond. The estimated net amount of cut and fill to be exported is 25,617 cubic yards.

Page 12-13 Section 3.4 Uses of the EIR; text will be ADDED as follows:

The EIR would provide decision-makers in the City of Morgan Hill (the CEQA Lead Agency), responsible agencies, and the general public with relevant environmental information to use in consideration of the project.

The following responsible agencies could potentially have discretionary approval over the project:

- California Department of Fish and Wildlife (CDFW)
- Regional Water Quality Control Board (RWQCB)
- County of Santa Clara
- Santa Clara Valley Water District (Valley Water)
- United States Reclamation Bureau (Bureau)
- United States Army Corps of Engineers
- California Department of Transportation (CalTrans)

If the project is approved, the EIR could be used by the City in conjunction with appropriate discretionary approvals, including the following:

- Zoning Amendment
- Subdivision Map
- Design Permit
- Tree Removal Permit(s)
- Issuance of Demolition, Grading, Building, and Occupancy Permits
- Encroachment Permit from Bureau or Valley Water (for utility connections)
- Construction Approval from Bureau or Valley Water (for improvements that require excavation or impede with Bureau or Valley Water access to the federal water pipeline)

Page 53 Section 4.4.1.1 Regulatory Framework; text will be ADDED before the Morgan Hill 2035 General Plan heading as follows:

Santa Clara Valley Water Resources Protection Collaborative Guidelines and Standards for Land Use Near Streams

In August 2005, the Santa Clara Valley Water Resources Protection Collaborative adopted Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County. The document provides guidance for land use activities in and around streams within Santa Clara County.² As a member of the Water Resources Protection Collaborative, the City of Morgan Hill adopted the Guidelines and Standards for Land Use Near Streams with Resolution Number 6112, dated August 22, 2007.

Page 54 Section 4.4.1.2 Existing Conditions; the text will be REVISED as follows:

Approximately 60 acres of the project is considered grain, row-crop, hay and pasture, disked/short-term fallowed land. The vegetation that was disked on-site includes wild oats, ripgut brome, and foxtail barley. Common forb species include patches of field bindweed, prickly lettuce, short-

² Valley Water. "Water Resources Protection Collaborative." Accessed January 11, 2024. <https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/water-resources-protection-collaborative>

podded mustard, and perennial pepperweed. No native plant species were observed. An approximately 0.6-acre ~~abandoned~~ detention basin is present on the project site and was included in this land cover type because no wetland vegetation was observed and the vegetation within the basin was similar to the fallowed portions of the agricultural land.

Page 70 Section 4.4.1.2 Existing Conditions; the text will be ADDED as follows:

The Crotch's bumble bee is not a covered species under the Habitat Plan and is not listed as threatened or endangered, but is considered a candidate for listing by the CDFW.
~~However, Regardless,~~ the Crotch's bumble bee will benefit from the Habitat Plan conservation program (i.e., the preservation, enhancement, and management of numerous habitat types throughout the Habitat Plan Reserve System) to which the project applicant would contribute via payment of Habitat Plan impact fees, as both existing reserves and future acquisitions likely support Crotch's bumble bee, given the locations of recent occurrences in Santa Clara County. Therefore, the potential loss of small numbers of individual Crotch's bumble bees as a result of the project, as well as the permanent loss of potential nesting and foraging habitat, would not be considered a significant impact. **(Less than Significant Impact)**

Page 63 Section 4.4.2.1 Impact Discussion; text will be REVISED under checklist question a) as follows:

Habitat Plan~~Nitrogen Deposition Impacts on Serpentine Habitats~~

All development covered by the Habitat Plan is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine plants in the Habitat Plan area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the Bay Checkerspot butterfly. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, facilitating the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The impacts of nitrogen deposition upon serpentine habitat and the Bay Checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the Habitat Plan for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay Checkerspot butterfly and other sensitive species. The project, which would generate approximately 3,000 new daily vehicle trips by residents and therefore contribute to the effects of nitrogen deposition on serpentine plant and animal communities, would be subject to the Habitat Plan's nitrogen deposition impact fee~~implement the following standards.~~

In addition, all covered activities in the Habitat Plan are subject to certain conditions (as identified in Chapter 6 of the Habitat Plan) based on the project's location and type of project. As discussed in Section 4.4.1.2 Existing Conditions, the project is subject to conditions 1, 3, 4, 11, and 17 of the Habitat Plan. To ensure that the project complies with the nitrogen deposition fee and all applicable conditions of the Habitat Plan, the project would implement the following standards.

Standards Required for New Development within this Planned Development: The project shall implement the following standards to ensure compliance with the Habitat Plan's nitrogen deposition fee and applicable Habitat Plan conditions.

- The project shall implement the following standard permit condition to ensure compliance with the Habitat Plan's nitrogen deposition fee. Fees and conditions. The proposed project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan. The project would comply with applicable fees and conditions prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Development Services Director or the Director's designee for approval and payment of applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatagency.org. Habitat Plan conditions applicable to the project include:
 - Condition 1. Avoid direct impacts on legally protected plant and wildlife species.
 - Condition 3. Maintain hydrologic conditions and protect water quality.
 - Condition 4. Avoidance and minimization for in-stream projects.
 - Condition 11. Stream and riparian setbacks.
 - Condition 17. Tricolored blackbird.
- 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.
- 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).

Implementation of the standards listed above would ensure that impacts to serpentine communities and species remain at less than significant levels. **(Less than Significant Impact)**

Page 69 Section 4.4.2.1 Impact Discussion; text will be REVISED under the California Red-legged Frog, California Tiger Salamander, Western Pond Turtle, and Bullfrogs subheading as follows:

Though the site provides low-quality habitat and is not important for the maintenance of any population of these species, project construction activities could result in the loss of small numbers

of individuals. Any loss of individuals of these species would be considered a significant impact. Compliance with Habitat Plan conditions through the implementation of standards required for new development, as discussed above~~under checklist question f) below~~, would reduce impacts to the California red-legged frog, California tiger salamander, and western pond turtles~~less than significant levels~~.

Page 69 Section 4.4.2.1 Impact Discussion; text will be REVISED under the Monarch Butterfly subheading as follows:

With implementation of mitigation measure MM BIO-4.1 listed above, potential impacts to monarch butterflies would remain at less than significant levels. Compliance with Habitat Plan conditions through the implementation of standards required for new development, as discussed above~~under checklist question f) below~~, would reduce impacts to monarch butterflies.

Page 70 Section 4.4.2.1 Impact Discussion; text will be REVISED under the Loggerhead Shrike and White-Tailed Kite subheading as follows:

Compliance with Habitat Plan conditions through the implementation of standards required for new development, as discussed above~~under checklist question f) below~~, would further reduce impacts to loggerhead shrike and white-tailed kites.

Page 71 Section 4.4.2.1 Impact Discussion; text will be REVISED under the Impacts on Riparian Habitat or Other Sensitive Communities subheading as follows:

Potential impacts to riparian habitat would be minimized through implementation of Habitat Conditions 3 and 4, which require implementation of design phase, construction phase, and post-construction phase measures, including programmatic BMPs, performance standards, and control measures, to minimize increases of peak discharge of storm drain water and to reduce runoff of pollutants to protect water quality. By complying with the standards required for new development within this Planned Development listed in the discussion in ~~Impact BIO-1~~checklist question a), the project would implement these construction-period BMPs and post-construction stormwater requirements and would result in less than significant impacts. **(Less than Significant Impact)**

Page 72 Section 4.4.2.1 Impact Discussion; text will be ADDED under the Impacts due to Riparian Encroachment subheading as follows:

The applicant will obtain a riparian setback exception from the Habitat Plan and City of Morgan Hill during the Habitat Plan application process (required as part of the standards required for new development within the planned development listed above) and City approval process for all non-exempt project features, including the residential lot, emergency access road, and detention basin grading within the 35-foot riparian setback. Encroachment into the riparian buffer (i.e., development within the buffer) would represent a significant impact because of the ecological value of Tennant Creek and the degradation to the value that would occur due to encroachment.

As discussed in Section 4.4.1.2 Existing Conditions, wetlands and other waters of the U.S. and waters of the state are present within Tennant Creek and the ephemeral drainage in the northeastern part of the project area. Jurisdictional wetlands located south of Barrett Avenue are supported by urban runoff from nearby storm drains. Approximately 0.02-acre of these low-quality jurisdictional wetlands would be permanently impacted during the project's proposed realignment of Tennant Creek and the improvement of Barrett Avenue. As such, the project may require permits from regulatory agencies, and will implement the standards required for new development within this Planned Development listed below.

Standards Required for New Development within this Planned Development: The project would obtain necessary permits as follows for the proposed realignment and culvert modifications within Tennant Creek and the ephemeral drainage.

- Prior to the issuance of a grading permit for activities that would impact wetlands, other waters of the state, and CDFW-regulated streams, the project applicant shall obtain a Clean Water Act Section 404 permit from the USACE, Clean Water Act Section 401 Water Quality Certification (and/or Porter-Cologne Waste Discharge Requirements, if applicable) from the Central Coast RWQCB, and Fish and Game Code Section 1600 Streambed Alteration Agreement from the CDFW, as applicable to the activities authorized by the grading permit..

Through implementation of the standards required for new development within the planned development for compliance with the Habitat Plan listed in the discussion in checklist question a), the project would comply with HCP Habitat Plan conditions 3 and 4, which require implementation of design phase, construction phase, and post-construction phase measures, including programmatic BMPs, performance standards, and control measures to minimize increases of peak discharge of storm drain water and to reduce runoff of pollutants to protect water quality. The project would also implement construction period BMPs and post-construction storm water requirements, and. The project will also pay Habitat Plan impact fees for impacts to wetlands and streams.

With compliance of Habitat Plan Conditions 3 and 4, ~~and~~ payment of applicable fees, and obtainment of necessary permits, impacts to state or federally protected wetlands would be less than significant. **(Less than Significant Impact)**

As discussed in Section 4.4.1.2 Existing Conditions, the proposed project is a covered project under the Habitat Plan and is therefore required to comply with all applicable conditions. The project would implement the standards required for new development within this Planned Development listed in the discussion under impact checklist question a) below.

~~**Standards Required for New Development within this Planned Development:** The project would comply with applicable Habitat Plan conditions and fees prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Development Services Director or the Director's designee for approval and payment of applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatagency.org. Habitat Plan conditions applicable to the project include:~~

- ~~• Condition 1. Avoid direct impacts on legally protected plant and wildlife species.~~
- ~~• Condition 3. Maintain hydrologic conditions and protect water quality.~~
- ~~• Condition 4. Avoidance and minimization for in-stream projects.~~
- ~~• Condition 11. Stream and riparian setbacks.~~
- ~~• Condition 17. Tricolored blackbird.~~

The proposed project would apply with all applicable conditions as required for new development within this Planned Development, including compliance with Habitat Plan nitrogen deposition fees and all applicable Habitat Plan conditions. ~~Furthermore, the project would implement the required Habitat conditions listed above, which would ensure compliance with the Habitat Plan by requiring the project applicant to pay nitrogen deposition fees for new vehicle trips. Payment of nitrogen deposition~~ These fees would offset impacts by allowing for the purchase and management of conservation land for the Bay Checkerspot butterfly and other sensitive species, and compliance with Habitat Plan conditions 1, 3, 4, 11, and 17 would avoid impacts to protected species and maintain riparian conditions. **(Less than Significant Impact)**

Page 105 Section 4.7.1.2 Existing Conditions; text will be REVISED under the Groundwater subheading as follows:

Groundwater depth on the project site is approximately ~~30 to 50~~23 feet below ground surface and flows northwest.³

Page 132 Section 4.10 Hydrology and Water Quality; text will be REVISED as follows:

The discussion below is based, in part, on a Flooding and Drainage Study completed by Schaaf & Wheeler on ~~September 10, 2021~~April 5, 2024, and a Phase I Environmental Site Assessment

³ Cornerstone Earth Group. *Phase I Environmental Site Assessment and Soil Quality Evaluation. Villages at Jackson Square. October 20, 2020.* Quantum Geotechnical, Inc. *Geotechnical Investigation on Proposed Residential Development New Horizons at Hill Road & Barret Avenue. May 15, 2020.*

completed by Cornerstone Earth Group on October 20, 2020. Copies of these reports are included in this EIR as Appendixes H and F, respectively.

Page 132 Section 4.10.1.1 Regulatory Framework; text will be ADDED after the last paragraph as follows:

Sustainable Groundwater Management Act

Valley Water's 2016 Groundwater Management Plan (GWMP) for the Santa Clara and Llagas Subbasins describes groundwater sustainability goals, and the strategies, programs, and activities that support such goals. In 2019, the Department of Water Resources (DWR) approved the 2016 GWMP for both basins, determining it satisfies the objectives of SGMA. In 2021, Valley Water submitted to DWR the first required periodic update of the GWMP that describes updated groundwater management outcome measures, programs, and activities.

Page 134 Section 4.10.1.1 Regulatory Framework; text will be ADDED to the General Plan Policies table as follows:

Morgan Hill 2035 General Plan Policies: Hydrology and Water Quality

Policy	Description
<u>SSI-5.1</u>	Development in Floodways and Floodplains. Prohibit development in floodways and regulate development in floodplains to minimize flood damage and be consistent with the federal flood insurance program. (South County Joint Area Plan 15.05)
<u>SSI-5.2</u>	Private Development in Flood-Prone Areas. If development is allowed in flood-prone areas, provide flood control facilities or appropriate flood-proofing prior to or in conjunction with development at developers' expense. (South County Joint Area Plan 12.05)
<u>SSI-5.3</u>	Flood Clearance. Prior to the start of construction, a Flood Clearance shall be obtained from the Floodplain Administrator for the City of Morgan Hill that provides plans drawn to scale showing the nature, location, dimensions, and elevation of the area; existing or proposed structures, fill, storage of material, and drainage facilities, and floodproofing provisions. Specifically, the following information shall be required: • <u>Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures.</u> • <u>Proposed elevation in relation to mean sea level to which any structure will be floodproofed.</u> • <u>Appropriate elevation and floodproofing certifications.</u> • <u>Description of the extent to which any water course will be altered or relocated as a result of the proposed development.</u> <u>New residential buildings in the 100-year floodplain shall have their lowest floor elevation (excluding garage) floodproofed or raised a minimum of 1 foot above the base flood elevation (BFE). Substantially improved structures within the 100-year floodplain shall meet the same floodplain construction requirements as new buildings.</u>
<u>SSI-5.4</u>	Floodwater Diversion. Require that new developments within flood hazard areas are done in a manner that will not cause floodwaters to be diverted onto adjacent property or increase flood hazards to properties located elsewhere unless secured through a flood easement or fee title buyout.

Morgan Hill 2035 General Plan Policies: Hydrology and Water Quality

Policy	Description
<u>SSI-5.5</u>	Off-Site Impacts. <u>Require all local development to provide appropriate mitigation of off-site flooding impacts, including limiting runoff to pre-development levels and/or complete solutions to flooding and local drainage problems in the vicinity of the development, using such methods as detention or retention. (South County Joint Area Plan 12.08)</u>
<u>SSI-5.6</u>	New Development in Hazard Areas. <u>Consider risk of flood hazards and damage in new development proposals within flood hazard areas. Ensure that new construction is consistent with federal flood protection regulations.</u>
<u>SSI-5.7</u>	Raised Structures. <u>Where other mitigation measures do not solve the flooding problem, permit raising individual foundations (padding up structures) in appropriate situations; however, its use must be restricted in order to minimize the cumulative effects on adjacent areas. (South County Joint Area Plan 12.06)</u>
<u>SSI-5.8</u>	Water District Project Review. <u>Send all subdivisions and private and public project referrals where activity is located near to floodplain areas to Santa Clara Valley Water District for review prior to City approval.</u>
<u>SSI-5.9</u>	Riparian Natural Functions. <u>Restore and maintain the natural functions of riparian corridors, creeks, and channels to reduce flooding, convey stormwater flows, and improve water quality.</u>
<u>SSI-6.2</u>	Minimize Future Flood Control Costs. <u>As flooding affects substantial areas of South County and the flood control projects now being constructed are designed to protect only existing developed and currently planned urban areas, manage land development to mitigate flooding problems and minimize the need for local public funding for additional flood control and local drainage facilities. (South County Joint Area Plan 12.00)</u>
<u>SSI-6.6</u>	Flood Management Design. <u>Encourage flood management designs that respect the natural topography and vegetation of waterways while retaining dynamic flow and functional integrity.</u>
<u>SSI-6.7</u>	Urban Creeks and Channels. <u>Preserve the existing floodplain capacity of urban creeks and channels.</u>
<u>SSI-16.2</u>	Drainage System Capacity. <u>Ensure that the level of detention or retention provided on the site of any new development is compatible with the capacity of the regional storm drainage system.</u>
<u>SSI-16.3</u>	Stormwater Management Plans. <u>Require a stormwater management plan for each proposed development, to be presented early in the development process and describe the design, implementation, and maintenance of the local drainage.</u>

Page 134 Section 4.10.1.1 Regulatory Framework; text will be ADDED following the General Plan Policies table as follows:

Morgan Hill Municipal Code

Section 15.80.200 of the City’s Municipal Code was enacted to reflect updates to floodplain management policies regulating property located in designated flood hazard areas. Per Section 15.8.200, “until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Morgan Hill.”

Page 135 Section 4.10.1.2 Existing Conditions; text will be REVISED under the Existing On-Site Drainage subheading as follows:

As stated above, the project site is bisected by Tennant Creek. Existing stormwater runoff across the project site presently drains in a generally northeasterly to southwesterly direction towards Tennant Creek. An existing stormwater ~~retention~~ detention basin is located on the project site just north of Barret Avenue. A public service easement has been reserved on the project site to operate and maintain the existing detention basin. An existing 36-inch diameter reinforced concrete pipe (RCP) storm drain system is located along Sorrel Drive which provides local drainage immediately east of the site. The storm drain ties into a 60-inch diameter RCP storm drain system in Barrett Avenue which discharges to Tennant Creek where the creek crosses Barrett Avenue.

Page 135 Section 4.10.1.2 Existing Conditions; text will be REVISED under the Groundwater subheading as follows:

The site is located in the ~~Santa Clara Valley~~ Llagas Subbasin (DWR Basin Number 3-3.01) ~~of the Santa Clara Valley Groundwater Basin. The site is within the Coyote Valley Recharge Area as designated by the Santa Clara Valley Water District (Valley Water).~~⁴ The site contains two creeks running through it; Tennant Creek along the western portion of the site and an unnamed ephemeral stream along the eastern portion of the site. According to the Phase I ESA Geotechnical Investigation prepared by ~~Cornerstone Earth Group~~ Quantum Geotechnical, Inc., groundwater lies at depths of approximately ~~30 to 50~~ 30 to 50 feet beneath the project site, with seasonal fluctuations in depth.

Page 135 Section 4.10.1.2 Existing Conditions; text will be ADDED under the Flood Hazards subheading as follows:

The project site is located within three FEMA flood hazard designations: Zone AE, AO, and X. Zone AE is a special flood hazard area subject to inundation by the one percent annual chance flood base flood elevation determined. The portion of the project site within Zone AE consists of Tennant Creek that crosses the western portion of the site. Zone AO is a special flood hazard area with flood depths of one to three feet (usually sheet flow on sloping terrain). On the project site, Zone AO consists of the overflow of Tennant Creek, and reaches depths of one foot. The Zone X designation is for areas of 0.2 percent (i.e., 500-year) chance flood; areas of one percent (i.e., 100-year) chance flood with average depths of less than one foot or with drainage areas less than one square mile. In addition, Tennant Creek has a defined regulatory floodway. Per Section 15.80.200 of the City's Municipal Code, until a regulatory floodway is adopted, no new construction, substantial development, or other development (including infill) is permitted within Zones AO and AE unless it

⁴ Santa Clara Valley Water District. *Groundwater Management Plan*. November 2021. ~~November 22, 2016.~~ Accessed September 16, 2021. <https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater>.

is demonstrated that the cumulative effect of the proposed development will not increase the water surface elevation of the base flood more than one foot at any point. Since Tennant Creek has an adopted regulatory floodway that can be adjusted to coincide with its current bank locations (the adopted floodway and current bank locations differ due to natural changes over time), this section of the ordinance does not apply. Surrounding areas adjacent to the site are in Zone D, an area of undetermined flood hazards. Flood zones are shown on Figure 4.10-1.

Page 140 Section 4.10.1.3 Project Impacts; text will be REVISED under the checklist question b) discussion as follows:

Since the site is mostly undeveloped, new development would substantially increase impervious surfaces, which could impact groundwater recharge. However, the project would be required to implement site design measures, LID, and BMPs, which include infiltration features such as detention and retention basins, that would contribute to groundwater recharge and minimize stormwater runoff. The proposed pond and fountains ~~would be filled using groundwater~~would be filled using the City's water system and would include a waterfall feature that would re-circulate water from the pond to the top of the waterfall. The ~~project would require the pond to be pumped with required volume of water initially to fill the pond is~~ approximately 0.36 acre-feet of non-potable water per year (118,000 gallons per year); This assumes that the majority of the pond is eight feet deep with a five-foot wide, 18-inch deep "ring" around the perimeter. This volume also accounts for the waterfall feature and assumes it is one foot deep on average. The ~~with an average~~ evapotranspiration rate of is approximately 0.28 acre-feet per year (93,400 gallons per year). Based on these assumptions, the pond would require a total of 0.64 acre-feet of water (211,400 gallons per year) in year one to both fill the pond and replenish to offset evaporative losses; and in subsequent years, 0.28 acre-feet of water (93,400 gallons per year) per year in the following years to offset evaporative losses would be needed annually to maintain the water level.

The highest depth to groundwater expected at the project site is ~~30 to 50~~23 feet below ground surface. The maximum depth of excavation to install utilities building foundations proposed by the project is ten feet below ground surface. The groundwater is deep enough such that ground disturbance during construction would not interfere with groundwater flow or expose any aquifers. The project site is not an aquifer recharge facility (i.e., streams or ponds); therefore, development of the project site would not substantially interfere with aquifer recharge. **(Less than Significant Impact)**

Page 141 Section 4.10.1.3 Project Impacts; text will be REVISED under the checklist question c) discussion as follows:

Drainage

The City of Morgan Hill and Valley Water design standards require that post-project peak discharge into Tennant Creek does not exceed the pre-project peak discharge for the 2-, 10-, 25-, and 100-year return periods. The proposed detention basin will need to accommodate, in addition to the new runoff generated by the project, the peak reduction provided by an existing detention basin on

the project, which was originally designed and installed to mitigate peak flow runoff from the development east of the project site (Tract 8481).

Under existing conditions, on-site runoff flows generally northeast to southwest towards Tennant Creek. Water then continues to Corralitos Creek and eventually drains to Monterey Bay. The proposed project would increase the site's impervious area from 39,450 square feet (one percent of the site) to 2,109,300 square feet (72 percent of the site), which would increase the runoff generated from the site into Tennant Creek.

Schaaf & Wheeler's Drainage Report for the proposed project modeled the pre-project (existing) conditions and post-project conditions. The pre-project conditions include two 36-inch culverts within the project site between Fountain Oaks Drive and Barrett Avenue, three 30-inch culverts at Barrett Avenue, detention basin, and storm drain infrastructure (including 21-, 24-, and 27-inch drains that divert flows from the Jackson Park subbasin before entering the 54-inch main in Barrett Avenue). The post-project conditions include grading to raise the site out of the floodplain, culvert improvements and channel grading along Barrett Avenue, a pedestrian bridge across Tennant Creek (assumed to be set above the 10-year water surface level), and
~~The proposed project would construct a proposed retention detention basin in just downstream of Jackson Park, located adjacent to the northeast side of the site.~~ The proposed detention basin is intended to reduce post-project peak discharge to pre-project conditions to Tennant Creek under a 2-, 10-, 25-, and 100-year storm events. Pumping of stormwater flows from the Sorrel subbasin is not anticipated or included as part of the post-project conditions.

Surface runoff created by the proposed project would be captured by the storm drain network and runoff which would be treated via the underground treatment systems and basins. Offsite runoff coming from tributary residential and open space areas would be rerouted through the detention basin, relocated at Jackson Park, to account for the increase in impervious area. The onsite storm drainpipe system would be designed for a 10-year storm event and the detention basin has been designed for a 25-year storm event. Additionally, the Drainage Report determined that a 100-year storm event in Tennant Creek would not result in flooding of the project site beyond the regulatory floodway.

The proposed project will generally maintain the existing drainage pattern towards Tennant Creek because stormwater flowing from the project site would be captured by proposed stormwater networks and treated by subsurface treatment systems before entering the stormwater system and detention basin. The existing detention basin would be relocated to the northeast portion of the site, west of Jackson Park, to detain offsite flows so that the total flow to Tennant Creek pots development will be the same as the existing flow under a 2-, 10-, 25-, and 100-year storm events. Runoff from off-site, tributary residential and open space areas northeast of the project site would be rerouted through the proposed basin and collected in the proposed storm drain system, replacing an existing surface swale drainage feature at the eastern edge of the site. The detention basin would be designed to detain more water than necessary to compensate for the increase in flows caused by the proposed project. Modeling in Schaaf & Wheeler's Drainage Report reflected the optimized diversion and storage requirements for the detention basin downstream of Jackson

Park. Consistent with the findings of the report, the project shall comply with the requirement below to ensure peak post-project discharge is below the pre-project discharge for each return period (2-, 10-, 25-, and 100-year).

Required for New Development within this Planned Development: The project shall ensure the Jackson Park Detention Basin is sized to provide at least 3.4 acre-feet of storage.

The project is at the master plan stage of development review and additional details will be developed as individual planning permit applications are filed to implement the master plan. As such, the project shall implement the following requirement.

Required for New Development within this Planned Development: As part of the submission of the Development permit and tentative map, the applicant shall provide a hydraulic study prepared by a qualified engineer that analyzes the runoff produced by that portion of the project to confirm that it conforms to the assumptions used in the Drainage Report. Should the additional hydrologic modeling indicate a need to increase on-site detention basin capacity that would require project design changes (such as a deeper detention basin than currently proposed) additional environmental review shall be conducted, as necessary, to account for additional construction activities prior to issuance of the Development entitlement.

Through the incorporation of drainage features and grading included in the proposed project and the requirements above, the flow rate of runoff would remain similar to the existing runoff and the creek water level would remain unchanged. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river through the addition of impervious surfaces and would have a less than significant impact. **(Less than Significant Impact)**

Hydromodification

The site experiences flooding and has led to mudslides in the past. During the construction phase, a Stormwater Pollution Prevention Plan (SWPPP) and a Stormwater Management Plan (SWMP) will be prepared to avoid on-site erosion. Within the proposed project, the amount of open space will be reduced due to the new residential development. However, the proposed detention basin on the northeastern corner of the site is designed to limit the 2-, 10-, 25-, and 100-year site discharge to be at the existing conditions rates by over detaining the upstream watersheds that contribute to flow to Tennant Creek. This results to no significant increase in channel velocity relative to the existing condition. In addition, the project site grades will be filled so that flows will be contained in Tennant Creek and there will be no runoff across the site. Therefore, since the risk of increased erosion is negligible the project would have a less than significant level with Conditions of Approval HYD-1 and HYD-2 incorporated as a result of the project. **(Less than Significant Impact)**

Flood Flows

The project drainage improvements were analyzed in the Drainage Report, and it was determined that the proposed project would not result in changes to the upstream or downstream 100-year water surface profile of the creek. After construction, the proposed project would be located in two FEMA flood hazard designations. Zone AE, which would consist of Tennant Creek that crosses the western portion of the site, and Zone X. The Zone X designation is for areas of 0.2 percent (i.e., 500-year) chance flood; and areas of one percent (i.e., 100-year) chance flood with average depths of less than one foot or with drainage areas less than one square mile. For areas within Zone AE that are not part of the channel's extent, the project site will be graded to be higher than the base flood elevation.

While the water surface elevations change throughout the site, the grading associated with the proposed project would re-establish the Tennant Creek floodway and floodplain which would relocate the 100-year flooding to ensure areas of the project development are located outside of the 100-year flood zone. The project would implement the standard below to ensure the project is developed outside of the floodplain.

Required for New Development within this Planned Development: The development shall apply for a Conditional Letter of Map Revision based on Fill (CLOMR-F) through FEMA to show that the development is outside the floodplain. After construction, the proposed project would submit the modeling results in the Drainage Report in a Letter of Map Revision (LOMR-F) application to revise the floodplain extents over the project site.

With implementation of the standard discussed above, the project would submit CLOMR/LOMR applications that would re-establish floodway limits, demonstrate changes to channel base flood elevations based on new hydrology and project components. This would ensure consistency with General Plan policies SSI-5.1 through SSI-5.9, SSI-6.2, SSI-6.6, and SSI-6.7 calling for flood proofing, flood clearance, and analysis of flood hazards and off-site impacts. Thus, the proposed project would not redirect flood flows causing flooding on or off site. **(Less than Significant Impact)**

~~Project Water Demand~~

The City's unit demand factor of 1,700 gpd per acre for Residential Detached Medium land uses was used to calculate the water demand.⁵ At 69.4 acres, the proposed project would have a water

⁵ City of Morgan Hill. *Water System Master Plan*. December 2021. Table ES.2, page ES-7.

demand of 117,980 gpd. In addition, after the initial year of filling the pond, the proposed pond's ~~non-potable water demand drawing groundwater supplies from the site's on-site well and federal pipeline in Hill Road~~ would be approximately 0.28 acre-feet per year (or 93,400 gallons per year or 255 gpd). In total, the project's water demand would be approximately 134 acre-feet per year (~~118,265~~118,235 gpd or ~~43,655,055~~43,155,775 gallons per year) compared to 117,979 gpd assumed for the site under the 2021 WSMP.

As discussed in Section 4.19.1.2 Existing Conditions, based on the 2021 WSMP, the City's groundwater supply wells have a remaining capacity of approximately 2.6 mgd. As a result, there would be sufficient water supplies available to serve the project and impacts would be less than significant. Thus, the proposed project is considered consistent with the 2021 WSMP assumptions and General Plan. The project is ~~also~~mostly consistent with the City's Water Conservation Ordinance (the purpose of which is to reduce water consumption within the City of Morgan Hill through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, ~~prevent waste of water,~~ and maximize the efficient use of water) because it would ~~not introduce any water wasting features and~~ comply with General Plan Policies SSI-14.5 and SSI-14.8 ensuring that new development does not exceed the planned water supply and is evaluated to ensure long-term water supplies are available. Consistent with the City's Water Conservation Ordinance and Valley Water's Urban Water Management Plan, the project would include the installation of landscape meters, hot water recirculation systems, and weather or soil-based irrigation systems. However, the project's use of potable water to fill the recreational pond would be considered a water wasting feature under the City's Water Conservation Ordinance. It should, however, be noted that the pond's estimated 255 gpd would be less than the typical demand for a single-family residence in Morgan Hill, which is 393 gpd according to the City's WSMP.⁶

Based on the above discussion, there would be sufficient water supplies available to serve the project and impacts would be less than significant. **(Less than Significant Impact)**

⁶ City of Morgan Hill. *Water System Master Plan*. Table 3.4: Water Demand Unit Factor Analysis. December 2023.

Appendix A: Draft EIR Comment Letters

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



January 3, 2024

SCH #: 2021060587
GTS #: 04-SCL-2023-01240
GTS ID: 31359
Co/Rt/Pm: SC/101/R15.511

Tiffany Brown, Senior Planner
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037

Re: Morgan Hill Devco Residential Project – Draft Environmental Impact Report (DEIR)

Dear Tiffany Brown:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Morgan Hill Devco Residential Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the November 2023 DEIR.

Project Understanding

The proposed project would involve the development of 320 residential lots with areas for private open space and public open space. The project location is near State Route (SR)-101. The project would involve off site improvements to several local streets.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project's VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the DEIR, this project is found to have a significant VMT impact.

Using Caltrans' Smart Mobility Framework Guide 2020 ([link](#)), the proposed project site is identified as a Suburban where community design and regional accessibility are weak. Given the place, type and size of the project, a robust Transportation Demand Management (TDM) plan should be developed to reduce VMT and greenhouse gas emissions from future development in this area. Please consider the following measures to mitigate the project's impact to VMT:

- Increased location efficiency
- Increased mixed-use development
- Increased transit accessibility
- Integration of affordable housing
- Pedestrian and bicycle network improvements
- Bus rapid transit
- Discounted transit programs
- Increase transit service frequency
- Provide local shuttles to increase transit outreach

The TDM plan should also be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Transportation Impact Fees

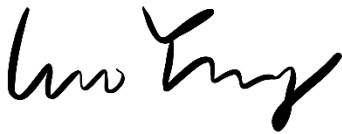
We encourage the lead agency to consider identifying project-generated travel demand and assessing the costs of transit and active transportation improvements necessitated by the proposed project. The viable funding sources such as development and/or transportation impact fees may also be utilized to implement the planned transportation improvement projects to sufficiently mitigate project impact.

Lead Agency

As the Lead Agency, the City is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luo Yunsheng'.

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

December 28, 2023

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

Attn: Tiffany Brown
By Email: Tiffany.Brown@MorganHill.CA.gov

Dear Tiffany,

VTa appreciates the opportunity to comment on the DEIR for the New Horizons project located on the northeast quadrant of Hill Road and Barrett Avenue. VTA has reviewed the document and has the following comments:

Pedestrian Access

VTa noticed a possible gap in the pedestrian/trail network in the site plan. Overall, the project does a nice job of providing pedestrian/trail connections throughout the site and to neighboring land uses, but there is a gap circled in the screenshot of Figure 3.2-6 below, which seems to require people to walk far out of their way to get to the clubhouse/common areas or over to the elementary school. VTA recommends the project expand the proposed trail network to provide access between Streets J/M and Street C.



Additionally, VTA recommends the new curb ramps provided be designed to be directional curb ramps, rather than diagonal, and it is suggested that curb extensions be included to help reduce crossing distances for pedestrians and slow down drivers.

Lastly, VTA recommends against cul-de-sacs for emergency egress and overall site connectivity. If cul-de-sacs must be included in the design, they should include ADA-compliant pedestrian and bicycle access to adjacent roadways to reduce travel distances for residents.

VMT and GHG Impacts and Mitigation Measures

The DEIR states that the project would cause a Significant and Unavoidable Impact in terms of Vehicle Miles Traveled (VMT), Impact TRN-1. The DEIR also finds that the project would exceed the BAAQMD annual emissions bright-line threshold and service population threshold for greenhouse gas (GHG) emissions, Impact GHG-1. The DEIR identifies the implementation of a Transportation Demand Management (TDM) Plan in the mitigation measures to address both impacts – MM-TRN-1.1 and MM-GHG-1.1.

The DEIR and TA Report (Appendix J) include somewhat inconsistent descriptions of the measures proposed to partially mitigate the project's VMT impact. The DEIR states that the MM-TRN-1.1 would include preparation of a TDM plan, which shall require a financial contribution to the City's MoGo on-demand rideshare service as well as improvements to the pedestrian network. Appendix J states that this TDM plan would include a financial contribution to the MoGo service or provision of free transit passes to project homeowners and pedestrian improvements.

VTA recommends that the City strengthen the TDM plans in MM-TRN-1.1 and MM-GHG-1.1 by requiring both a contribution to the MoGo service and provision of free transit passes to homeowners. The language about provision of free transit passes should state that the management entity/HOA would be required to provide one free pass per residential unit, rather than "a maximum of one transit subsidy per residential unit" since including a maximum without a minimum or specific number could allow the HOA to provide fewer passes than intended.

VTA also recommends that the City include language about monitoring and reporting on the project's TDM program to ensure that it is maintained over time. Best practices for TDM monitoring typically include engaging a third-party consultant or contractor directed by the City but paid for by the developer or management entity/HOA.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-321-5830 or lola.torney@vta.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lola Torney', written over a light gray rectangular background.

Lola Torney
Interim Land Use Manager

MH1805

File: 32650
Tennant Creek

January 4, 2024

Tiffany Brown
City of Morgan Hill
Development Services
17575 Peak Avenue
Morgan Hill, CA 95037
tiffany.brown@morganhill.ca.gov

Subject: Draft Environmental Impact Report for New Horizons (Hill-Morgan Hill Devco, LLC) Project on Barrett Avenue and Hill Road

Dear Tiffany:

The Santa Clara Valley Water District (Valley Water) has reviewed the draft environmental impact report (EIR) for the proposed New Horizons project (Project), at the intersection of Barrett Avenue and Hill Road in Morgan Hill. Upon review of the draft EIR, Valley Water staff (Staff) has the following comments:

1. Section 1.2, MM HAZ-3.1 (Page xviii):

The draft EIR indicates (both in this section and Page 129, Abandoned Wells) *“the project applicant shall research well records from Valley Water and attempt to locate abandoned wells at the site.”* Valley Water’s Well Information App can be used to help locate wells on the Project site:

<https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners/well-information-app>. While the app indicates two active water supply wells on the Project site, there could be unknown and abandoned wells on the Project site. Please coordinate this activity to identify and destroy wells with Valley Water’s staff at the Well Permitting and Inspections Hotline: 408-630-2660

(<https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners>)

2. Section 3.2.1, Site Access, Circulation, and Parking (Page 3): This section states a 36-foot driveway is proposed on Hill Road; however, Figures 3.2-4 and 3.2-6 show a cul-de-sac where a driveway is shown on Figure 3.2-5. Please clarify the circulation plan and street improvements; this needs to be consistent throughout the document. Valley Water owns and operates a federal water line (Santa Clara Conduit) within the US Bureau of Reclamation (Bureau) easement on the site. Any improvements that require excavation or will impede or interfere with Valley Water or Bureau access to construct, re-construct, inspect, operate, or maintain the pipeline requires Valley Water and Bureau approval, which may require re-design to comply.

3. Section 3.2.4, Utilities (Page 9): This section states there will be new utility connections in Hill Road which may encroach onto the Bureau easement. Please see Comment 2 for Bureau and Valley Water permitting requirements. Additionally, this section mentions a proposal to connect to the Bureau pipeline for back-up non-potable water supply. Please be aware that Valley Water surface water diversion policies do not allow for new pipeline diversions for residential landscape irrigation purposes. The EIR should be amended to assume backup non-potable water supplies will not be approved, and any analysis relying on this supply assumption should be amended accordingly.

4. Section 3.2.4, Utilities (Page 11):

The second paragraph indicates *“The existing on-site well would provide the primary source of water.”* If this sentence is referring to the water supply for the concrete-line pond, please add that detail to the sentence so there is no confusion that the well will be used for the potable or other water supply for the development. Also, based on Valley Water’s Well Information App (referenced in Comment 1), there appears to be two water supply wells (09S03E23Q002 and 09S03E23Q003) located on the Project site.

Which well will be used as the primary source of water? If the other well will not be used, it should be properly destroyed following Valley Water guidelines. Please note that page 125 of the draft EIR acknowledges that there are two water supply wells on the Project site.

5. **Section 3.2.8, Off-Site Improvements:** See Comment 2 regarding approval requirements for working within the Bureau easement.
6. **Section 4.4.1.1, Regulatory Framework (Page 53):**
As a member of the Water Resources Protection Collaborative, the City of Morgan Hill has adopted the Guidelines and Standards for Land Use Near Streams, which provides guidance for land use activities in and around streams within Santa Clara County; this should be acknowledged in the 'Regional and Local' regulatory framework section.
7. **Section 4.4.1.2, Existing Conditions (Page 54):**
The Land Cover and Wildlife Use section indicates that the project site has a "...0.6-acre abandoned detention basin." It should be noted that the detention basin is not abandoned and remains operational; the referenced detention basin was constructed to mitigate for increased runoff generated by Tract 8481.
8. **Section 4.4.1.2, Riparian Habitat (Page 59):**
This section acknowledges that the project will impact Waters of the State and Waters of the U.S., but none of the mitigation measures, in particular MM BIO-5.1, includes the need to obtain approvals from the US Army Corps of Engineers (ACOE), the Central Coast Regional Water Quality Control Board (CCRWWCB) or California State Department of Fish and Wildlife (CDFW) for the proposed realignment and culvert modifications within Tennant Creek and the ephemeral drainage. These approvals (with the possible exception of the CDFW streambed alteration agreement, which may sometimes be included in Habitat Plan permitting) are required for Section 404 (ACOE) and Section 401 (CCRWWCB) approvals. Sometimes obtaining these approvals requires mitigation greater than proposed or plan modifications that may impact the project. ACOE and CCRWWCB may also determine that the project has a substantial adverse effect on federal and state wetlands. These agencies should be consulted to determine impacts.
9. **Section 4.4.2.1, Impact 'a,' Crotch's Bumble Bee (Page 70):**
It is noted "*The Crotch's bumble bee is not a covered species under the Habitat Plan;*" however, the EIR should acknowledge that Crotch's bumble bee is listed by the California Department of Fish and Wildlife (CDFW) as an endangered and threatened species. Any identification of Crotch's bumble bee within the Project site needs to be submitted to the California Natural Diversity Database (CNDDB).
10. **Section 4.4.2.1, Impact 'b,' Impacts on Riparian Habitat or Other Sensitive Communities (Page 71):**
The EIR states that "*Potential impacts to riparian habitat would be minimized through implementation of Habitat Conditions 3 and 4...*" The EIR needs to include discrete avoidance and minimization measures (listed under Table 6-2 of the VHP) that will be implemented to mitigate Project impacts and provide rationale in terms of how and/or why those measures would minimize project impacts. A general statement indicating the Project will comply with Conditions 3 and 4 of the VHP does not adequately evaluate the Project's impacts on the riparian habitat, and the feasibility of offsetting or eliminating those impacts. Moreover, in addition to the Valley Habitat Plan (VHP), the project is also subject to additional conditions from other regulatory agencies (e.g., CA Department of Fish and Wildlife, Army Corps of Engineers, Regional Water Quality Control Board) that have jurisdiction over work within the in-stream area, and along the riparian corridor.
11. **Section 4.4.2.1, Impact 'b,' Impacts on Riparian Habitat or Other Sensitive Communities (Page 72):**
It is asserted the proposed stream realignment, Barrett Avenue widening, and removal of the existing culvert are "*allowable uses in Habitat Plan riparian setbacks and would not require a riparian exception.*" The reference to VHP's "allowable uses" in this statement is unclear since the listed activities are all in-stream modifications that would be subject to the requirements specified under Condition 4 of the VHP – 'Avoidance and Minimization Measures for In-Stream Projects' and additionally, the avoidance and minimization measures outlined in Table 6-2 of the VHP.

12. Section 4.7.1.2, Existing Conditions, Groundwater (Page 105):

It is noted *“Groundwater depth on the project site is approximately 30 to 50 feet below ground surface and flows northwest.”* The Appendix F Phase I ESA (Page 5) states that the 30 to 50 feet depth to water estimate was from a 2006 California Department of Conservation report. Were the 30 to 50 feet depth to groundwater measurements confirmed from the two water supply wells on the Project site? Valley Water does not have any active water level monitoring wells on the Project site, but recent (2023) water level data from nearby wells in adjacent parcels indicate groundwater level depths range from less than 10 feet to greater than 75 feet below land surface. This water level data is available on the Valley Water Historical Groundwater Elevation data website:

<https://gis.valleywater.org/GroundwaterElevations/index.php>.

Please also note that this website shows the Project site is in an area of generalized depth to first groundwater of 5 to 20 feet below land surface. As explained on the website, the generalized depth to first groundwater depicts the most shallow groundwater ever measured for an area as of 2018. Staff recommends using the more recent estimates of depth to first groundwater from Valley Water, rather than the 2006 CDC report. Staff also recommends relying on Valley Water’s 2021 Groundwater Management Plan for detailed hydrogeologic information for the Llagas Subbasin beneath the Project site.

13. Section 4.10.1.1 Environmental Setting, Regulatory Framework, Federal and State (Page 132):

- a. Valley Water recommends adding a sub-section about the Sustainable Groundwater Management Act (SGMA) because the Project development will rely primarily on groundwater for the water supply, groundwater is the sole source of water supply for the City of Morgan Hill (Draft EIR, page 215), and Valley Water is the Groundwater Sustainability Agency (GSA) under SGMA. Valley Water’s 2021 Groundwater Management Plan is the DWR approved Alternative to a Groundwater Sustainability Plan (GSP), and is available on Valley Water’s website: <https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable>.
- b. This section should include all relevant policies under Goals SSI-5 and SSI-6 in the Flood Hazards section of the City’s General Plan. In particular, Policies SSI-5.1, 2, 3, 4, 5, 6, 7, 8, and 9 and Policies SSI-6.2, 6, and 7. The EIR should discuss how the project is consistent with these policies and identify where the project is not consistent with these General Plan policies and identify all relevant mitigation to gain compliance.

14. Section 4.10.1.2, Groundwater (Page 135):

- a. It is noted *“The site is located in the Santa Clara Valley Subbasin of the Santa Clara Valley Groundwater Basin.”* The site is within the Coyote Valley Recharge Area designated by the Santa Clara Valley Water District (Valley Water). 66.” Please correct these sentences because the Project site located in the Llagas Subbasin, not the Coyote Valley. The sentence can be corrected as: *“The site is located in the Llagas Subbasin (DWR Basin Number 3-3.01), which is part of the larger Llagas Subbasin, as designated by the Santa Clara Valley Water District (Valley Water). 66.”*
- b. Footnote 66 references Valley Water’s 2016 Groundwater Management Plan; it should be noted this has been superseded by the 2021 Groundwater Management Plan, which is available at the following link: https://s3.us-west-1.amazonaws.com/valleywater.org.us-west-1/s3fs-public/2021_GWMP.pdf

15. Section 4.10.1.2, Existing On-Site Drainage:

This section does not appear to accurately describe the existing storm drain system installed as part of Tract 8481, which includes the Project site. Valley Water records for the Tract 8481 improvements show the 36-inch storm drain reduces to a 21-inch pipe, which then increases in size to a 24-inch and finally a 27-inch pipe, which discharges into the retention basin. The retention basin was designed to mitigate increased runoff from Tract 8481 improvements for a range of storm events up to a 100-year storm. The outlet is a 21-inch pipe which connects to a 60-inch storm drain, which subsequently discharges into Tennant Creek, downstream of Barrett Avenue.

16. Section 4.10.1.2, Flood Hazards (Page 135):

The EIR acknowledges existing special flood hazards identified by FEMA and states *"The project site is located within three FEMA flood hazard designations: Zone AE, AO, and X."* It should be noted that Tennant Creek, which traverses the westerly end of the project site, has an adopted regulatory floodway: an area which has been reserved to convey the 100-year flood, or 1% annual exceedance event without increasing FEMA's Base Flood Elevation (BFE), or the 100-year water surface elevation at any point. All encroachments within the regulatory floodway will require a no-rise certification through a detailed hydraulic study that is completed in accordance with FEMA's mapping guidelines and standards. According to 44 CFR 60.3(d)(3), any new construction or development, including fill within the limits of the regulatory floodway is prohibited, *"unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge."* The EIR should acknowledge the regulatory floodway in its discussion of existing flood hazards, along with the restrictions within this area.

17. Section 4.10.2, Impact 'b,' (Page 140):

- a. To accommodate some of the proposed landscaping amenities for the Project (e.g., pond, fountains), it is noted *"The project would require the pond to be pumped with approximately 0.36 acre-feet of non-potable water per year (118,000 gallons per year), with an evaporation rate of approximately 0.28 acre-feet. The pond would require a total of 0.64 acre-feet of water (211,400 gallons per year) in year one to both fill the pond and replenish to offset evaporative losses, and 0.28 acre-feet of water (93,400 gallons per year) per year in the following years to offset to offset evaporative losses."* Initially, it is stated 0.36 acre-feet per year would need to be pumped to the pond, but it is subsequently stated that 0.28 acre-feet per year would be required to offset evaporative losses. The total volume required to maintain these amenities needs to be clarified.
- b. Because the Project site is in the recharge area of the Llagas Subbasin and the proposed development will increase the impervious surface area, Valley Water supports the planned use of site design measures, including LID, BMPs, and infiltration features, such as detention and retention basins that meet Valley Water stormwater infiltration device guidelines, and maintain natural recharge to the groundwater basin.
- c. The last paragraph states *"The highest depth to groundwater expected at the project site is 30 to 50 feet below ground surface. The maximum depth of excavation to install utilities building foundations proposed by the project is ten feet below ground surface. The groundwater is deep enough such that ground disturbance during construction would not interfere with groundwater flow or expose any aquifers."* As noted in Comment 8, Valley Water's Historical Groundwater Elevation website (<https://gis.valleywater.org/GroundwaterElevations/index.php>) indicates that the Project site is in an area of generalized depth to first groundwater of 5 to 20 feet below land surface. As explained on the website, the generalized depth to first groundwater depicts the most shallow groundwater ever measured for an area as of 2019. We recommend using the more recent (2019) estimates of depth to first groundwater from Valley Water, rather than the 2006 CDC report.

18. Section 4.10.2.1, Impact 'c,' Drainage (Page 141):

- a. To mitigate for increased runoff from the Project, the EIR cites Schaaf and Wheeler's (S&W) preliminary drainage report (Appendix H), which recommends construction of a detention pond at *"...Jackson Park, located adjacent to the northeast side of the site, to reduce post-project peak discharge to pre-project conditions to Tennant Creek under a 25-year storm event...Offsite runoff coming from tributary residential and open space areas would be rerouted through the detention basin, relocated at Jackson Park, to account for the increase in impervious area."* As noted in Comment 7, the existing detention basin was constructed to mitigate for increased runoff from Tract 8481. Furthermore, it was designed to ensure additional runoff from Tract 8481 - which includes the Project site as undeveloped Lots 20, 21, and 22 - does not exceed pre-project conditions (both in terms of volume and rate), and to also handle events up to the 100-year event. Tennant Creek is

prone to frequent flooding: Valley Water has estimated the creek is subject to overtopping during recurrence intervals as frequent as the 2- or 3-year event. In addition to replacing the function of the existing detention basin, the project should be mitigating all increased runoff from the development of Lots 20, 21, and 22 in Tract 8481, for a range of storm events from the 2- or 3- year event up through the 100-year event. The drainage report identifies discharge points along Tennant Creek, from the upstream limit of the Project site to a point downstream of Barrett Avenue to analyze changes in the Project site's discharge into Tennant Creek, both under existing and proposed conditions. Thus, all mitigatory measures need to consider a range of events, including the 2-, 10-, 25-, and 100-year events so as not to induce flooding on neighboring or downstream properties.

Additionally, the relocated detention basin will need to be adequately designed to account for the volume of runoff it currently receives from Tract 8481, or alternatively, the volume of runoff that can no longer be routed to the relocated basin needs to be made whole through additional basins or mitigatory measures. Ultimately, the mitigatory measures need to account for both the existing run-on the site currently receives, and any additional runoff generated within the Project site. Consistent with existing mitigation measures implemented for neighboring developments, runoff under pre-project conditions cannot exceed post-project conditions, both in terms of volume and rate. The drainage study completed by S&W only considers the 25-year storm event to address the minimum requirements specified in the City of Morgan Hill's (City) storm water management plan.

Lastly, it should be noted a public service easement has been reserved for Tract 8481 to operate and maintain the existing detention basin. Relocation of the existing basin will need to include similar land rights to accommodate the operation and maintenance of this facility.

- b. The feasibility of relocating the detention pond to Jackson Park needs to be further evaluated since it appears to be proposed at a higher elevation than the existing detention basin. Neighboring developments currently discharge runoff into the existing detention basin via gravity. If it is assumed the relocated basin will continue to collect runoff from these developments, it should be noted this will not be feasible without employing mechanical measures (i.e., pumps) to route runoff upslope to Jackson Park.
- c. The EIR also needs to analyze how changes in the storm drain system routing, Tennant Creek improvements (including any structures, grading or plantings), the proposed Barrett Avenue culvert, and outfall modifications in Tennant Creek will impact various storm event water surface elevations in the Tennant Creek special flood hazard areas, and in the Tennant Creek floodway. Water surface elevations need to be analyzed through the project site, upstream of the project site, and downstream of Barrett Avenue. Any changes which increase the FEMA effective water surface elevation in the floodway by more than 0.0-ft. at any point in the community will require a CLOMR to be submitted to and approved by FEMA prior to construction. If the project site will not create any new runoff discharging into Tennant Creek, then why are culvert improvements proposed? Any enlarging of the culvert capacity or even changes to current weir flow over Barrett Avenue may induce flooding downstream by increasing water surface elevations and/or increase the frequency of flooding downstream on Tennant Creek. It should be noted this area of Tennant Creek is subject to historical flooding.
- d. This section does not address changes in the Tennant Creek overflow (Zone AO) that may be impacted by the Project. According to the FEMA effective model for Tennant Creek for the 100-year special flood hazard condition, 420 cubic feet per second (CFS) flow approaches the Fountain Oaks culvert, 290 CFS continues through the culvert, while 130 CFS travels through the neighborhood and exits overland as 'Zone AO' across the Project site. Subsequently, flows re-enter Tennant Creek near the 90-degree elbow, where 'Zone AO' enters 'Zone AE' and the floodway (shown as cross section 526 in the effective model). The EIR should include mitigation that requires the project to maintain the existing flood patterns through the project site.

19. Section 4.10.2, Impact 'c,' Hydromodification (Page 142):

- a. The Hydromodification section states the following: *"the proposed detention basin on the northeastern corner of the site is designed to limit the 25-year site discharge to be at the existing condition rates by over detaining the upstream watersheds that contribute to flow to Tennant Creek."* To reiterate Comment 18a, the existing detention basin was designed to handle a range of events, including the 2-, 10-, 25-, and 100-year events. Therefore, the proposed detention basin needs to be designed to mitigate for the noted range of events. Schaaf and Wheeler's Preliminary Drainage Study (Appendix H) may have considered the increased runoff generated by Tract 8481 as part of the tributary area for 'Sorel Drive at Barrett Avenue' (Preliminary Drainage Study, Table 3-2, Page 8), however the study appears to assume that runoff would bypass the existing detention basin, and discharge directly into Tennant Creek by way of the existing 60-inch storm drain line along Barrett Avenue. It should be noted the existing detention basin increases the time of concentration within the drainage basin, which in turn attenuates the rate of runoff discharging into Tennant Creek. Modifications to the existing drainage pattern may increase flooding - both in terms of frequency and magnitude - for communities neighboring the Project site. The preliminary drainage study needs to evaluate whether the proposed modifications to the existing drainage pattern will increase both on- and offsite flooding.
- b. The hydromodification section states the *"...project site grades will be filled so that flows will be contained in Tennant Creek and there will be no runoff across the site."* This statement needs to be clarified or revised as it is not clear how changes to grading within the site will eliminate runoff across the site when the Project proposes to substantially increase the impervious surface area within the site. Additionally, in the absence of a no-rise certification, improvements to "contain" flows within Tennant Creek cannot include fill or modifications with the regulatory floodway since it would further constrict the conveyance area reserved to discharge the base flood event (i.e., 100-year event). It should be noted the limits of the regulatory floodway already assumes the maximum allowable increase (i.e., 1-ft.) has been reached. Thus, as noted in Comment 16, 44 CFR 60.3(d)(3) does not permit any fill/improvements within the regulatory floodway, unless it can be demonstrated the 100-year water surface elevation will not increase by any amount greater than 0.0-ft.

20. Section 4.10.2., Impact 'c,' Flood Flows (Page 142):

- a. The EIR asserts *"...the proposed project would not result in changes to the upstream or downstream 100-year water surface profile of the creek."* This conclusion is inconsistent with the results provided in Schaaf and Wheeler's Evaluation of Flood Hazards (Preliminary Drainage Report, Table 4-1, Page 12), which showed water surface elevation increases at several cross sections along Tennant Creek. The Project cannot result in any increases to the published 100-year water surface profile. As noted in Comment 14b, the regulatory floodway already assumes the maximum allowable increase has been reached; thus, improvements cannot further increase the 100-year water surface elevation. Moreover, the post-project conditions evaluated by Schaaf and Wheeler's analysis does not consider realignment and widening of the channel, or the proposed storm drain improvements along Barrett Avenue: all of which are proposed in earlier sections of the EIR.
- b. It is noted *"the grading associated with the proposed project would re-establish the Tennant Creek floodway and floodplain which would relocate the 100-year flooding to ensure areas of the project development are located outside of the 100-year flood zone."* The proposal to re-establish and relocate the floodway and floodplain needs to be clarified. As noted in Comment 16, modifications to the adopted regulatory floodway will require a no-rise certification, supported by a hydraulic analysis completed in accordance with FEMA standards for map revisions. Moreover, it is not clear how the floodplain itself would be re-established unless the identified FEMA special flood hazard areas (SFHA) within the site are to be preserved as open space areas. Based on prior plan reviews by Staff, residential units were proposed within the limits of FEMA's SFHA.
- c. The last paragraph under the discussion of 'Flood Flows' (Section 4.10.2, Page 143) notes that *"The development shall apply for a Conditional Letter of Map Revision based on Fill through FEMA to show that the development is outside the floodplain."* It should be noted that as of July 1, 2023, the

County of Santa Clara (County) has temporarily suspended all CLOMR-F and LOMR-F applications within the County. Additionally, based on the improvements specified in the EIR, a CLOMR-F would not be applicable due to the proposed in-channel improvements (e.g., proposed realignment/widening of existing channel, culvert improvements). Hydraulic analyses to support revisions to FEMA Flood Insurance Rate Maps (FIRM) cannot separate specific project improvements such as grading and evaluate its singular impact on existing SFHAs. Rather, a cumulative analysis, which accounts for all proposed project improvements, needs to be completed to determine the Project's overall impact on FEMA's SFHA. This cumulative analysis is especially important as it does not appear that Barrett Avenue improvements (completed as part of Tract 7157) were submitted to FEMA for inclusion in the special flood hazard area study. These improvements include the existing Barrett Avenue culverts and the 60-inch storm drain outfall at Barrett Avenue.

- d. The last sentence under the discussion of 'Flood Flows' (Section 4.10.2, Page 143) asserts *"the proposed project would not redirect flood flows causing flooding on or off site."* As noted in comment 20c, this assertion needs to be supported by a hydraulic analysis that evaluates the cumulative impact of all proposed improvements. While Schaaf and Wheeler's evaluation of flood hazards in the Preliminary Drainage Report (Appendix H) does consider modifications to the existing culvert at Barrett Avenue, it does not consider realignment and widening of the channel, both of which are proposed project improvements specified in earlier sections of the EIR. Results from the hydraulic analysis needs to support the conclusion that the project would not redirect flood flows or increase flooding on- or offsite.

21. Section 4.19.2.1, Impact 'a,' Water Facilities (Page 218):

As part of the project's utility improvements, the EIR states *"The proposed project would connect new water lines to the existing water mains in Barrett Avenue and Hill Road."* It should be noted that Santa Clara Conduit (SCC), which runs along Hill Road, is part of the Central Valley Project, and is used to deliver the County's federally contracted water supply. Valley Water operates and maintains this facility on behalf of the Bureau. All proposed modifications to or near the pipeline, including those that may impact its appurtenances (e.g., valves, vaults, etc.), are subject to review and approval by both Valley Water and the Bureau. Additionally, the Bureau has reserved easement along the length of the pipeline to accommodate the operation and maintenance of the pipeline (See Comment 2). Thus, all modifications within, through, or over the easement area - including changes to the existing grade - will also require review and approval by Valley Water and the Bureau. Per the easement deed, the Bureau has been granted *"the perpetual right, privilege and easement to construct, operate and maintain water pipelines, together with all fixtures, devices and appurtenances necessary to the operation of said pipelines, within, through, over and across the real property..."* Ultimately, the Project cannot impede Valley Water's ability to exercise these land rights. Assuming a connection to SCC is approved, it should be noted this is an interruptible source of raw water, subject to both planned and unplanned outages for extended periods of time. For this reason, the pipeline should not be relied upon as the development's primary source of raw water. A reliable groundwater supply well or a connection to a retail water service needs to be established. Lastly, since Valley Water has discretionary approval authority over this facility, Valley Water is considered a Responsible Agency under CEQA.

22. Section 4.19.2.1, Impact 'a,' Storm Drainage (Page 218):

The draft EIR's discussion of Storm Drainage improvements proposes to remove existing storm drain lines, which currently convey flows in and out of the existing detention basin. The proposal to remove these existing lines is inconsistent with the EIR's earlier determination Section 4.10 – Hydrology and Water Quality, 'Drainage,' (Page 141), which asserted that *"the proposed project would not substantially alter the existing drainage pattern of the site or area..."* As noted in Comment 19a, the detention basin was constructed to mitigate for increased runoff, and attenuate flows discharging into Tennant Creek. Any proposed modification to the existing drainage system needs to ensure flooding along Tennant Creek is not increased, both in terms of frequency and magnitude.

23. Section 4.19.2.1, Impact 'b,' Project Water Demand (Page 219):

The Project Water Demand section states that the project will create a new demand of 118,265 million gallons per day (MGD) of water, but it is not clear how that total is derived. The draft EIR concludes that the project is consistent with planned growth for Morgan Hill. This projection of future water supply and availability assumes increases in water conservation and demand management measures in both Morgan Hill's and Valley Water's Urban Water Management Plan. For the proposed project to meet its fair share of these water conservation assumptions, all available water conservation measures should be required of the project. Such measures should include:

- Prohibiting non-functional turf in private open space areas, lawn areas should be limited to areas supporting passive activities.
- Require hot water recirculation systems.
- Require dedicated landscape meters and separate submeters to each unit and individual commercial spaces where applicable.
- Install weather or soil-based irrigation controllers.

24. Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum (Page 5):

Schaaf and Wheeler's memorandum notes *"the Rational Method was utilized to quantify the 25-year runoff for designing a storm drain system."* See comment 18a.

The memorandum also states the proposed model includes the proposed fill in the floodplain and a pedestrian bridge, but it does not mention the changes to the Tennant Creek Overflow ('Zone AO'), the proposed storm drain routing changes, the proposed Barrett Avenue culvert crossing and storm drain outfall changes, etc. Also, the memorandum does not acknowledge that the existing capacity of Tennant Creek is very limited (estimated to only have capacity for a 2- or 3- year storm event); therefore, mitigation for only a 25-year event will increase the extent, and frequency of flooding for downstream properties, during those frequent events and up to a 100-year event as identified in FEMA effective studies.

25. Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 4 (Page 7):

- a. The discussion for 'Impact 4' notes *"...the proposed detention basin on the northeastern corner of the site is designed to limit the 25-year site discharge to be at the existing condition rates by over detaining the upstream watersheds that contribute to flow to Tennant Creek."* See Comments 18a.
- b. The discussion for Impact 4 notes *"...the project site will be filled so that flows will be contained in Tennant Creek and there will be no runoff across the site."* See Comment 19b.

26. Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 5 (Page 8):

- a. The discussion detailing the existing site drainage conditions indicates *"...no information of the basin is available..."* and the existing detention basin *"...is assumed to be private and does not provide detention for the City's storm drain system."* This statement is in error as the basin was constructed as part of Tract 8481, approved by the City, and the basin was dedicated to, and accepted by the City as a public service easement on the recorded Tract Map. Additionally, the depiction of the storm drain is in error as compared to Tract 8481 improvement Plans. See Comments 7 and 15, and 18a.
- b. The discussion of post-project site drainage conditions notes that *"Runoff from offsite tributary residential and open space areas northeast of the project will be rerouted through the proposed basin..."* See Comments 18a, and 18b.

27. Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 6 (Page 9):

It is noted *"...the detention basin has been designed to the 25-year storm event,"* and based on the modeling results for the 100-year storm event in Tennant Creek *"the development will be out of the floodplain."* See Comments 20a, and 20c. This finding does not acknowledge that Tennant Creek does

not have sufficient capacity for frequent flood events and any increased runoff during these frequent events, which will increase the extent and frequency of flooding downstream. Receiving streams further downstream only have an approximate capacity for the 10-year event. The text supporting a finding of 'Less Than Significant' is inadequate. Additionally, Figure 6 provided on this page is illegible, and the outlet or discharge point for all DMAs is not clear. A full sized, legible copy of the figure, along with a clearly marked discharge point needs to be provided.

28. Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 7 (Page 10):

- a. The discussion for Impact 7 identifies the three special flood hazard areas overlapping the project site ('Zone AE,' 'Zone O,' and 'Zone X'), however this section needs to also acknowledge the regulatory floodway that has been established. See Comment 16.
- b. The text states that the portion of 'Zone AO' not within Tennant Creek will be filled above the height of flooding. This will block 100-year flood flows of 130 CFS (as identified in the FEMA effective model) from leaving the Fountain Oaks neighborhood, which currently release overland across the Project site as 'Zone AO.' It is not clear where these flood flows will go if the proposed fill is obstructing the flow path. The text does not support the 'Less than Significant Impact.'
- c. It is stated in the second paragraph that *"While the water surface elevations change throughout the site, the Project grading will re-establish Tennant Creek floodway and floodplain which will remove the 100-year flooding to be completely outside of the project limits. The development should apply for a CLOMR-F through FEMA to show that the development is outside the floodplain."* See Comment 20b.

29. Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 1, Introduction:

- a. It is noted under the 'Objectives' discussion (Section 1.2, Page 3) that *"Project grading will also enable the Tennant Creek floodway and floodplain to be re-established so that all home sites may be elevated above the base flood, without changing the upstream or downstream 100-year water surface profile of the creek by more than six inches, as required by FEMA for remapping."* As previously noted, no increases to the 100-year water surface elevations are allowed within any point of the regulatory floodway. See Comment 16 and 20a.
- b. The Report Outline (Section 1.3, Page 3) indicates preliminary hydrologic and hydraulic calculations are provided to evaluate the volume that would be needed to detain the 25-year storm event. See Comments 18a.

30. Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 2, Drainage Patterns and Conveyance:

- a. The section detailing the existing drainage conditions (Section 2.1, Page 5) notes that information regarding the design, sizing criteria, and function of the pre-existing stormwater retention basin, north of Barrett Avenue, are not available. See Comment 7. Additionally, it should be noted that Schaaf and Wheeler designed the detention basin.
- b. The drainage study proposes a conceptual plan to relocate the existing detention basin to Jackson Park (Section 2.2, Page 5). See Comment 18b.
- c. It is also noted *"approximately 150 acres of tributary residential and open space areas northeast of the project site (Figure 2-3)"* will be routed to the relocated detention basin. The southerly subcatchment (Total Stream Length 3179-ft.) does not account for Tracts 7157 and 8481. Additionally, portions of this subcatchment generally have existing grades that are lower in elevation compared to those at Jackson Park. See Comment 18b.

31. Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 3, Project-Specific Drainage Requirements:

- a. As stated in other sections of the drainage study, the analysis considers the 25-year, 24-year storm event to adhere to the City's storm water management plan. The study needs to consider a range of events, including the 2-, 10-, 25-, and 100-year events, since Tennant Creek is prone to flooding. See Comments 18a and 19a.
- b. Tables 3-1 and 3-2 provided in Section 3.2 (Page 8) need to include results for the requested range of events, including the 2-, 10-, 25-, and 100-year, 24-hour storm events.

32. Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 4:

- a. It is noted *"Potential impacts from Project improvements are assessed using information and hydraulic models first completed for the Santa Clara Valley Water District."* The flood impact analysis for the project needs to be evaluated using FEMA's effective model as the baseline conditions. If the referenced Santa Clara Valley Water District model is based on the effective model, the analysis needs to ensure both the upstream and downstream ends of the studied reach are within 0.5-ft. of the published BFE (44 CFR 65.6(a)(2)). Additionally, all existing developments not included into the effective model need to be incorporated and evaluated cumulatively with the proposed project.
- b. Section 4.1 asserts *"all areas of potential improvements within Project limits would be located outside of regulatory flood areas."* This statement is not consistent with the improvements specified in earlier sections of the draft EIR, which proposes realignment of the stream, widening of the channel at Barrett Avenue, and removal of the existing culvert: all of which are occurring within the limits of the regulatory floodway.
- c. Section 4.1.1 cites Ordinance Section C12-821(A), which maintains that the cumulative effect of development cannot increase the BFE by greater than one foot at any point within the County, *"until a regulatory floodway is adopted..."* It is then stated *"Since Tennant Creek has a defined floodway, and that floodway can be adjusted to coincide with the slightly realigned banks, this section of the ordinance does not apply..."* See Comment 16. This statement is only true if the Project fills in regulatory floodplain areas first. Additionally, this section refers to the County flood hazard ordinance; instead, it should refer to the City's flood hazard ordinance, particularly Section 15.80.200 – Floodways (B), which states *"Within an adopted regulatory floodway, prohibit encroachments, including fill, new construction, substantial improvement, and other development unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in the base flood levels during the occurrence of the base flood discharge."* It should be noted the base flood discharge is the FEMA base flood discharge, not the ACOE hydrology discharge.
- d. Section 4.2 indicates the effective HEC-2 model *"was obtained from the Santa Clara Valley Water District's website."* Not all hydraulic models provided on Valley Water's website are FEMA effective models. Model outputs need to be verified with the County's Flood Insurance Study (FIS) to confirm the water surface elevations and FIS flood flows are consistent with the Valley Water model. The FEMA FIS flood flows within Tennant Creek through the site range from 290 CFS to 420 CFS, depending on the location. Additionally, the FEMA floodway model needs to be analyzed for increases due to the Project.
- e. Section 4.2.4 notes that the *"proposed conditions are based on blocked obstructions (vertical walls) placed in the channel overbank as shown in the project workmap."* Since Tennant Creek has an adopted regulatory floodway, the effective model should have blocked obstructions that were assumed to determine the limits of the floodway (i.e., floodplain encroachments). The duplicate effective model, and all subsequent models used to evaluate project impacts need to ensure these ineffective flow areas are carried over from the effective model. This section also states ACOE hydrology was used in the analysis. When a FEMA special flood hazard area has been defined,

FEMA effective hydrology and modeling must be used as the existing condition floodplain to determine compliance with federal flood hazard regulations. This section also states that the Barret Avenue culverts will be increased in capacity from three (3) 30-inch culverts to five 8-foot by 2-foot box culverts. It is not clear why such an increase in capacity is required if the Project will not increase flood flows to Tennant Creek. It is of particular concern that increasing the capacity of the Barrett Avenue culvert will increase the extent and frequency of flooding in Tennant Creek to downstream and neighboring properties.

- f. Table 4-1, which summarizes the 100-year water surface elevation based on the assumed post-project conditions, show increases at several locations along the water surface profile. See Comments 16.

33. Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Attachment 1: Storm Drain Discharge and Detention Calculations:

The outlet, or the assumed point of discharge along Tennant Creek needs to be specified for all drainage calculations.

34. Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Attachment 2: HEC-RAS Project Workmap:

For the cross sections provided, the limits of the assumed floodplain encroachments need to be clarified.

If you have any further questions regarding Valley Water's comments on the draft EIR, you may contact me at (408) 630-3066, or reach me via email at bhwang@valleywater.org.

Thank you,



BENJAMIN HWANG, P.E.

Associate Engineer - Civil
Community Projects Review Unit

Cc: Y. Arroyo, B. Hwang, R. Saleh, V. De La Piedra, J. Gurdak, M. Richert, M. Martin, B. Kassab, J. Pfister, File

From: [Kathy Becker](#)
To: [Tiffany Brown](#)
Cc: [Kathy Home Emails Becker](#)
Subject: [EXTERNAL] New Horizons Development Concerns
Date: Wednesday, January 3, 2024 4:59:25 PM

Hi Tiffany,

My husband and I attended the meeting you held regarding the New Horizons Development planned for the Barrett/Hill Road area. Most of the attendees at this meeting had received a community notice for this meeting, but we live on Mira Bella Circle. As such we live beyond the 600ft limit for sending out such community notices. Thank goodness for friends, we received the alert to your meeting.

Following your meeting I thought there would be a follow-up/alert via some form of social media to notify the other surrounding homes in the Jackson Meadows area to the New Horizons issues/concerns. I am frequently on NextDoor, Morgan Hill Community on FB and a variety of other local social media outlets. **I did not see anything further so as I write this I still have serious concerns that the majority of the Jackson Meadows residences no nothing about the continued development and assessments of this area. The billboard has been there so many years that most have either forget about it or ignore it. I know this is likely too late, but I honestly believe an effort should be made to notify or alert the thousands of residence in Jackson Meadows who will be very seriously impacted by this development.**

You have asked those of us who attended to submit in writing our concerns. Here are some of mine. I apologize for coming in a the 11th hour but hope my input is considered.

1. As brought up by an individual who lives on or near Mira Bella Circle, those of us on Mira Bella Circle have primarily one way in and one way out in a case of emergency. As the gentleman pointed out, we had the Coe Park fire in August 2020 and while most of us had our vehicles loaded and read to leave it would have been a mad exodus for hundreds of us just from Mira Bella Circle alone. This does not factor in the hundreds to thousand more from Cantor Drive and ALL the surrounding streets/homes! With the city developing New Horizons there would be additional hundreds to thousands more people and vehicles trying to exit. **In an emergency the small two lane Barrett that further dumps into the small two lane Hill Road are all that separates us from disaster and life or death. Seriously - we saw this happen several times in the, Camp Fire, Napa, Santa Cruz! What are the considerations to remedy this type of horrific scenario in the event of a future fire, mudslide, earthquake or other tragedy?**

2. I brought up at the meeting about the intense traffic every morning and afternoon at Barrett, Trail Drive, Hill Road and Fountain Oak due to the parents dropping off and picking up their children from Jackson oak Academy. It is a sheer nightmare today that residences in all of Jackson Meadow are nearly held hostage every school day by the flood of parent vehicles in every single one of the streets I mentioned above from approximately 7:30am - 9am and again from 2pm - 3:30, sometimes 4pm every afternoon. Rarely do the parents adhere today to the stop signs and crosswalks throughout Jackson Meadows and the no left turns at Gallop and East Dunne. **What are the city's plan to address these traffic issues that involve our children, pedestrians and others? We cannot simply ignore and allow for more fatalities. If the city and planning commission has not considered past fatalities due to poor**

logistics then please do so now!!!

3. I am retired now so in most instances I can try and set my schedule to AVOID Barrett and Hill Road and all other roads/streets that would allow me to leave Jackson Meadows with some measure of safety. **I have not heard that the city or the city planning commission has considered the enormous amount of traffic on the Jackson Meadows surface streets to all of the vehicles attempting to avoid using Hwy 101.** This is truly disturbing as it has been going on for years and years. In 2024 it has become nearly impossible to get onto Hill Road or across the street using Barrett unit well after 9am. **Cars coming from Foothill to Tennant to Hill rarely, if ever, use the stop signs so hoping for a break in traffic is a joke. We will add insult to misery by developing New Horizons without realistic road improvements and logistics to include stops lights, blinking pedestrian crossings, etc. I for one would like to see and hear what the actual plans are for moving hundreds and thousands more residences through the streets in a safe manner. Some the vehicles using these surface streets to avoid the highway are going as fast as 50-60 miles per hour on a two lane road and even passing!!!**

4. Numerous Jackson Meadows, Jackson Oaks and Holiday Estate access the Pedro Ponds to walk. Many are crossing Hill Road to access the ponds either by themselves or with their precious pooches. I have seen on far too many occasions near misses on Hill in the area from East Dunne to the area that is slated to be New Horizons. **What plans are in place to insure the safety of these people accessing the ponds? For years now with the horribly increased traffic on Hill Road there hasn't been any crosswalk, blinking or otherwise considerations or development. What are the plans for this in today's increased traffic AND the development of New Horizons?**

5. We have lived on Mira Bella Circle for 26+ years and we have thoroughly enjoyed seeing and watching the wildlife that visits Jackson Meadows. With the development of New Horizons has the city considered the disruption to wildlife? I've seen the city not plan for disruption to wildlife in closing the dam. These wild animals are left with no immediate access to water and food. Let's remember, they were here first - we are just visitors...

6. **Curious if the city has plans to insure this New Horizons development isn't invaded by the rats caused from the trash and garbage from the five (5) large homes across Barrett and that back up to the farm fields.** I believe the homes and surrounding farm land are owned by Emily Chen. I believe she is well known to the city. She built these homes and there are dozens of residences in each of the homes who allow their trash and garbage to be thrown and tossed outside the homes. This has caused rats to invade areas of Mira Bella Circle and Barrett. Because each house has anywhere from 10-15+ cars per residence you have to factor those to the traffic issue AND a serious vehicle abandonment issue. Adding more people and homes to this immediate area will only make these three issues (rats, large amount of people per household, and hundreds or more vehicles) more pronounced.

7. Hill Road is both city and county. The portion that would run parallel to the New Horizon development is city property therefore it is maintained by the city. The other portion of Hill that runs to Tennant is county and is rarely maintained. Are there plans in the development that that portion of Hill and all of Barrett will be overseen and then care of by the city?

8. Barrett is overseen by the county and is never ever, ever taken care of. The rain created huge gullies alongside one side of Barrett years ago and they just get larger with each year of

rains. The area tends to flood out where the creek runs under Barrett and the pot holes are simply getting larger. **Who will be responsible for Barrett when/if New Horizons is developed?**

Thank you Tiffany for your time and considerations of my input. I appreciate the fact that we can provide input and dearly, dearly hope some good come from it. I hope others provided input but I am sorry that there are likely many in Jackson Meadows who weren't afforded the opportunity. **I also hope the city will take care of some very serious and dangerous traffic/road issues BEFORE New Horizons breaks ground. THIS IS TOO SERIOUS NOT TAKE PROACTIVE MEASURES NOW!!!**

Thank you again for this opportunity!

Sincerely,
Kathleen (Kathy) and Blaine Becker



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December 18, 2023

VIA E-MAIL tiffany.brown@morganhill.ca.gov

Tiffany Brown
Senior Planner, Development Services
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Re: Draft EIR Comments - New Horizons
(Project No. ZA2021-0001, SD2021-0003, EA2018-0016)

Dear Tiffany:

Our office represents Morgan Hill Devco, LLC, the applicant for the above-referenced project. We appreciate the City's publication of the Draft EIR, and the applicant looks forward to the completion of environmental review for this project. To that end, this letter focuses only on two impact areas, Agricultural Resources and Greenhouse Gases, where we found larger legal discrepancies with how the project was analyzed under CEQA, as detailed below.

These issues are important because, not only are the Agricultural Resource and portions of the Greenhouse Gas mitigation measures unwarranted under CEQA, they would result in monetary exactions that would increase the cost of delivering the project to the Morgan Hill community, and could impede the delivery of much-needed affordable housing for seniors, which is the central feature of the New Horizons project. The applicant therefore respectfully requests the changes detailed below, to ensure that the Draft EIR is processed in accordance with the requirements under CEQA and constitutional principles governing lawful mitigation measures.¹

Despite the persistent affordability crisis plaguing the state with each passing year, the housing crisis has been eclipsed by even stronger headwinds from rising construction costs, lack of financing, and the significant increase in cost of builders' risk insurance. As such, the applicant would prefer to reinvest the unnecessary mitigation costs back into the project, to deliver the highest quality amenities that can reasonably be provided for a project of this scale.

¹ See, 14 Cal. Code Reg. § 15041 "Authority to Mitigate" "A lead agency for a project has authority to require feasible changes... in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law. (*Nollan v. California Coastal Comm.* (1987) 483 U.S. 825, *Dolan v. City of Tigard* (1994) 512 U.S. 374, *Ehrlich v. City of Culver City*, (1996) 12 Cal.4th 854.)"

In addition, the U.S. Supreme Court recently granted a petition for writ of certiorari to review legislatively-imposed fees in California (See, *Sheetz v. County of El Dorado* --- S.Ct. ---, 2023 WL 6319652 (Mem).)

The Draft EIR's Analysis of Agricultural Resources is Based on Outdated Mapping; Substantial Evidence Supports a Finding that the Property is not Prime Farmland

The City, as the lead agency under CEQA, must exercise its own judgment to establish a significance threshold for agricultural mitigation for the New Horizons project that reflects the existing conditions at the site, which has not been irrigated for more than 5 years. As noted in the CEQA Guidelines, "[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the [City], based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting."² The site therefore cannot be designated as prime farmland, farmland of statewide importance, or unique farmland given the facts in this case that establish that no irrigation or farming of the site has occurred for at least five years.

In addition, a project-specific significance threshold is more appropriate than the default approach, particularly when the default approach is based on an outdated, general assumption about the site that is not supported by substantial evidence.³ In addition, project specific thresholds do not need to be formally adopted because the requirement for formal adoption applies only to significance thresholds of general application.⁴

Here, the New Horizons Draft EIR follows the typical approach of analyzing impacts to agricultural lands by referring to the significance threshold in Appendix G, which generally states that the Farmland Mapping and Monitoring Program should be used to identify Prime Farmland or Farmland of Statewide Importance. The Department of Conservation (the "DOC"), however, defines Prime Farmland, Farmland of Statewide Importance, and Unique Farmland as follows:

Prime Farmland has the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. **Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.**

Farmland of Statewide Importance is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. **Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.**

Unique Farmland consists of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. **Land must have been cropped at some time during the four years prior to the**

² 15 Cal. Code Reg. 15064(b); see also *Clover Valley Found. v City of Rocklin* (2011) 197 Cal.App.4th 200, 243, ruling that the lead agency properly found a project would not cause significant aesthetic impacts due to site-specific conditions noted in the EIR: a slope buffered views to the ridgeline, and existing residential development already occurred in the area.

³ 14 Cal Code Reg. §15064.7(b); see also *Save Cuyama Valley v County of Santa Barbara* (2013) 213 Cal.App.4th 1059

⁴ *Id.*

mapping date.⁵

The DOC provided the above statements in bold, underlined text, to punctuate the importance that irrigation and land cultivation are essential components for any land meeting the above designations. These are also essential features for agricultural mitigation measures under CEQA to withstand constitutional scrutiny.

For the New Horizons project, substantial evidence clearly supports the finding that the site has not been irrigated for more than five years. The attached, historical aerial imagery from Google Maps confirms that 2017 was the last year that irrigated row crops were planted at the site. The most recent update to the Farmland Mapping and Monitoring Program occurred in late 2022, or early 2023.⁶ The New Horizons project site therefore has remained unirrigated for more than four years since the last mapping effort by the DOC. The same result would be found if the four-year period were measured from the City's publication of the Notice of Preparation in 2021.

The FMMP website also cautions that its "data is not designed to be used for parcel specific planning purposes due to its scale and the size of the minimum mapping unit." The FMMP is therefore akin to the US Army Corps' wetlands mapper: the Corps uses GIS and other desktop surveys to map out the areas where wetlands have the potential to occur. The Corps, however, does not base its jurisdictional delineation of wetland areas on the wetlands mapper when actual, site-specific conditions show that none of the criteria for wetlands exist onsite. Here, the FMMP, just like the Corps' wetlands mapper, cannot be used to supersede actual aerial data showing that the New Horizons site has not been irrigated for more than five or six years.

Accordingly, the applicant requests that the threshold of significance for potential impacts to Agricultural Resources in the Draft EIR be revised, as follows:

4.2.2.1 Project Impacts

(a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, ~~as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency,~~ to non-agricultural use?

This revision to the Draft EIR should be coupled with the incorporation of aerial slides from Attachment 1 to this letter, to document with substantial evidence in the Draft EIR that none of the project area has been irrigated for more than 5 years since the last update to the FMMP in 2022, and for more than 4 years since the publication of the NOP. As such, the applicant requests that the significant and unavoidable finding be revised to a less-than-significant impact, with no mitigation required, in accordance with CEQA and constitutional law.

⁵ <https://www.conservation.ca.gov/dlrp/fmmp/Documents/Farmland%20Mapping%20and%20Monitoring%20Program%20Ag%20Removal%20protocol.pdf>

⁶ Gov. Code § 65570 notes that "Commencing on December 31, 2018, and continuing biennially thereafter, the department shall update and send counties copies of current Important Farmland Series maps."

The Draft EIR's Analysis and Mitigation of Greenhouse Gas Emissions Should Be Based on the Most Current Guidance Adopted by the Bay Area Air Quality Management District

The GHG analysis in the Draft EIR refers to the Bay Area Air Quality Management District to establish a "bright-line" CEQA threshold. In 2023, however, BAAQMD updated its GHG CEQA threshold and no longer recommends using a bright-line or quantitative approach to calculate a project's GHG impacts and GHG reduction goals. The Draft EIR should be revised to incorporate BAAQMD's updated CEQA significance threshold, which it adopted after a lengthy rulemaking, to establish a qualitative and performance-based approach for reducing greenhouse gases, particularly for residential projects such as New Horizons.⁷ Alternatively, the Draft EIR should be revised to establish that compliance with BAAQMD's updated mitigation measures would adequately mitigate the project's potential impact to global climate change.

Under BAAQMD's updated GHG CEQA threshold, a project's GHG impact should be deemed less than significant if it incorporates certain Design Elements,⁸ or demonstrates Consistency with a Local GHG Reduction Strategy.⁹ Under the first test, if certain design elements are incorporated into the project, such as all-electric residential buildings, the City should find that the project will contribute its fair share in achieving California's long-term climate goals, and that the project would not cause a cumulatively considerable contribution to global climate change. Under the second threshold, the City should find that the project will have a less-than-significant impact on global climate change if the project is consistent with the City's local GHG reduction strategy. These performance-based mitigation measures supersede BAAQMD's previous approach to quantify GHG emissions and establish project-level quantified reductions. The Draft EIR mitigation measures should therefore be revised to allow compliance with BAAQMD's updated performance standards as mitigation measures that will achieve the necessary GHG reductions to ensure that the project will not have a significant impact on global climate change.

BAAQMD has moved away from recommending carbon credits as mitigation, focusing instead on measures that achieve GHG reductions and sequestration occurring within the community.¹⁰ This shift is based on the difficulty in enforcing carbon credits,¹¹ and the fact that local plans should be favored, particularly where they demonstrate how the state's long-term GHG reduction targets can be achieved without the use of offsets.¹² In addition, neither the applicant nor the City should be in the business of procuring and monitoring the veracity of carbon credits,¹³ when significant, verifiable reductions can be made locally. Finally, local mitigation provides greater co-benefits that improve the quality of life of the community.

⁷ See, https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-6-project-climate-impacts_final-pdf.pdf?rev=ce3ba3fe9d39448f9c15bbabd8c36c7f&sc_lang=en

⁸ *Id.*, § 6.2.1

⁹ *Id.*, § 6.2.2

¹⁰ Bay Area Air Quality Management District, CEQA Guidelines (2022) p. C-15.

¹¹ See *Golden Door Properties vs. County of San Diego* (2020) 50 Cal.App.5th 467 (mitigation requiring carbon credits was unenforceable, and therefore inadequate under CEQA.)

¹² Bay Area Air Quality Management District, CEQA Guidelines (2022) p. C-15.

¹³ While the State of California recently enacted AB 1305 (Gabriel, 2023), which aims to reduce fraud in connection with voluntary carbon offsets, the law is primarily oriented at disclosure of environmental claims, and the voluntary carbon market remains significantly unregulated. (See, <https://www.sidley.com/en/insights/newsupdates/2023/10/california-enacts-novel-disclosure-requirements-for-the-voluntary-carbon-market-and-green-claims>.)

Accordingly, the Draft EIR Should Rely on the City's Climate Action Plan, Pursuant to BAAQMD's Updated GHG CEQA Significance Threshold, to Find that the Project Will Have a Less-than-Significant Impact on Global Climate Change

The City's Climate Action Plan substantially complies with the requirements of a local reduction strategy. Compliance with the City's CAP effectively mitigates the project's potential impacts to global climate change, particularly because the New Horizons project will commit to building all-electric residential buildings, and will ensure that garages are equipped to be ready for electric-vehicle charging, in accordance with California Electrical Code, Article 625.

The City of Morgan Hill's CAP is an adequate GHG reduction strategy under BAAQMD's qualitative significance threshold, and meets the criteria of the CEQA Guidelines, particularly when reviewed in connection with the analysis in the City's General Plan EIR, which included a quantification of existing and proposed GHG emissions within City limits, through 2035. The City's 2035 General Plan EIR identified buildout scenarios of the proposed General Plan that would achieve BAAQMD's 2035 performance standards.¹⁴ The City's Climate Action Plan adopted in 2021 goes even further, by identifying actions needed to achieve a targeted 100% reduction in local GHG emissions by 2045.

In addition, MM GHG-1.1 states that "[t]he GHG reduction plan shall be implemented until the City adopts its GHG reduction plan consistent with the State's interim 2030 GHG emissions reduction target of 40 percent below 1990 levels." However, the City has already adopted a GHG reduction plan consistent with the State's 2030 reduction target. More importantly, the CAP targets a 100% reduction in local GHG emissions by 2045, and therefore is consistent with the GHG reduction targets under California Executive Order B-55-18 and SB 100 (De Leon, 2018).

Accordingly, the Draft EIR should be revised to note that the project meets BAAQMD's CEQA threshold for GHG emissions without the incorporation of additional mitigation measures.

Thank you for considering these comments and, again, we look forward to the completion of environmental review for this project. Please do not hesitate to reach out to me or the applicant if you have any questions regarding our comments.

Sincerely,

Hanson Bridgett LLP



Robin R. Baral
Senior Counsel

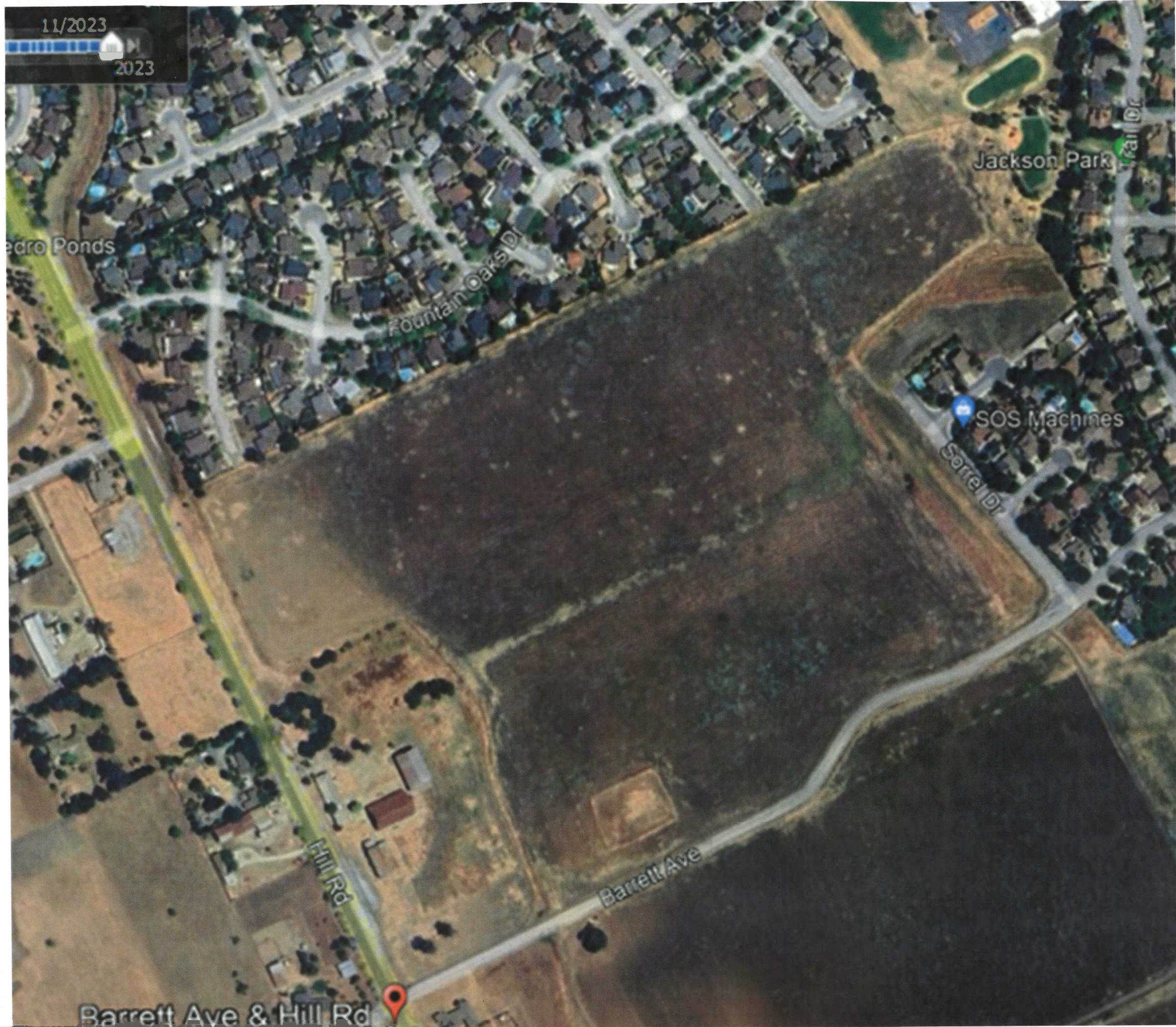
Attachment – Historical, aerial satellite imagery from 2018 through 2022

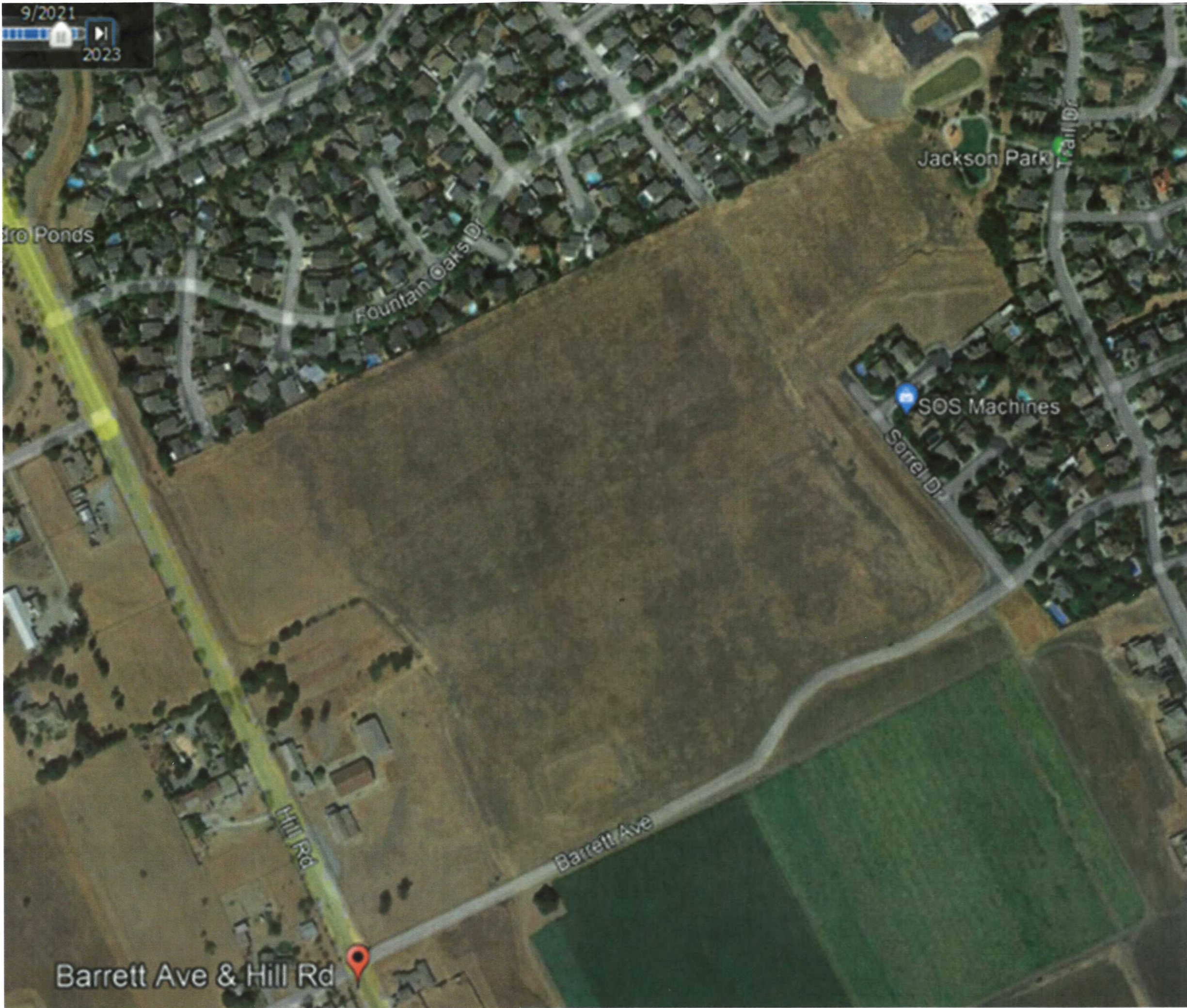
cc: Client
Don Larkin, City Attorney

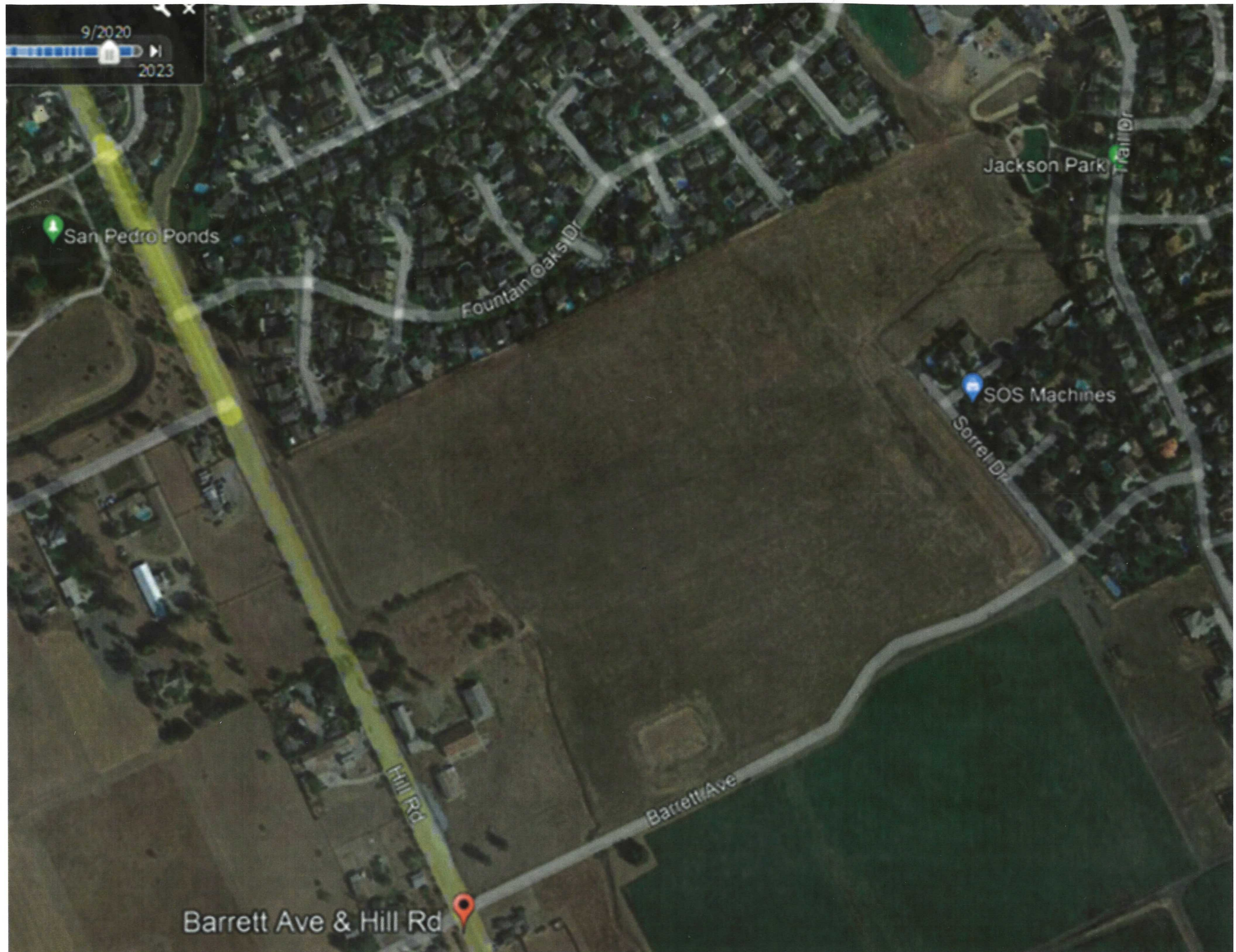
¹⁴ See Morgan Hill 2035 EIR, p. 4.7-27 – 28.

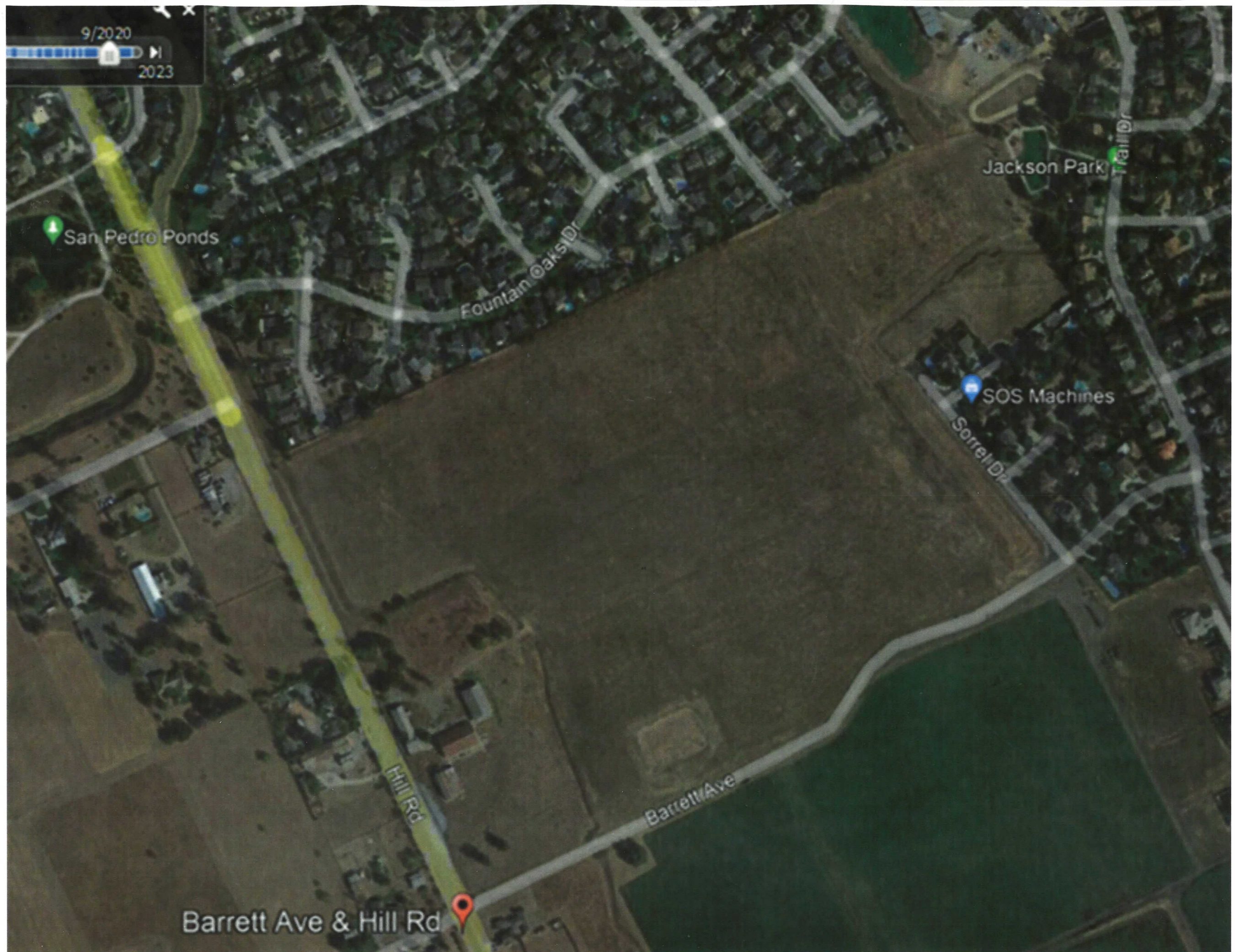
ATTACHMENT 1

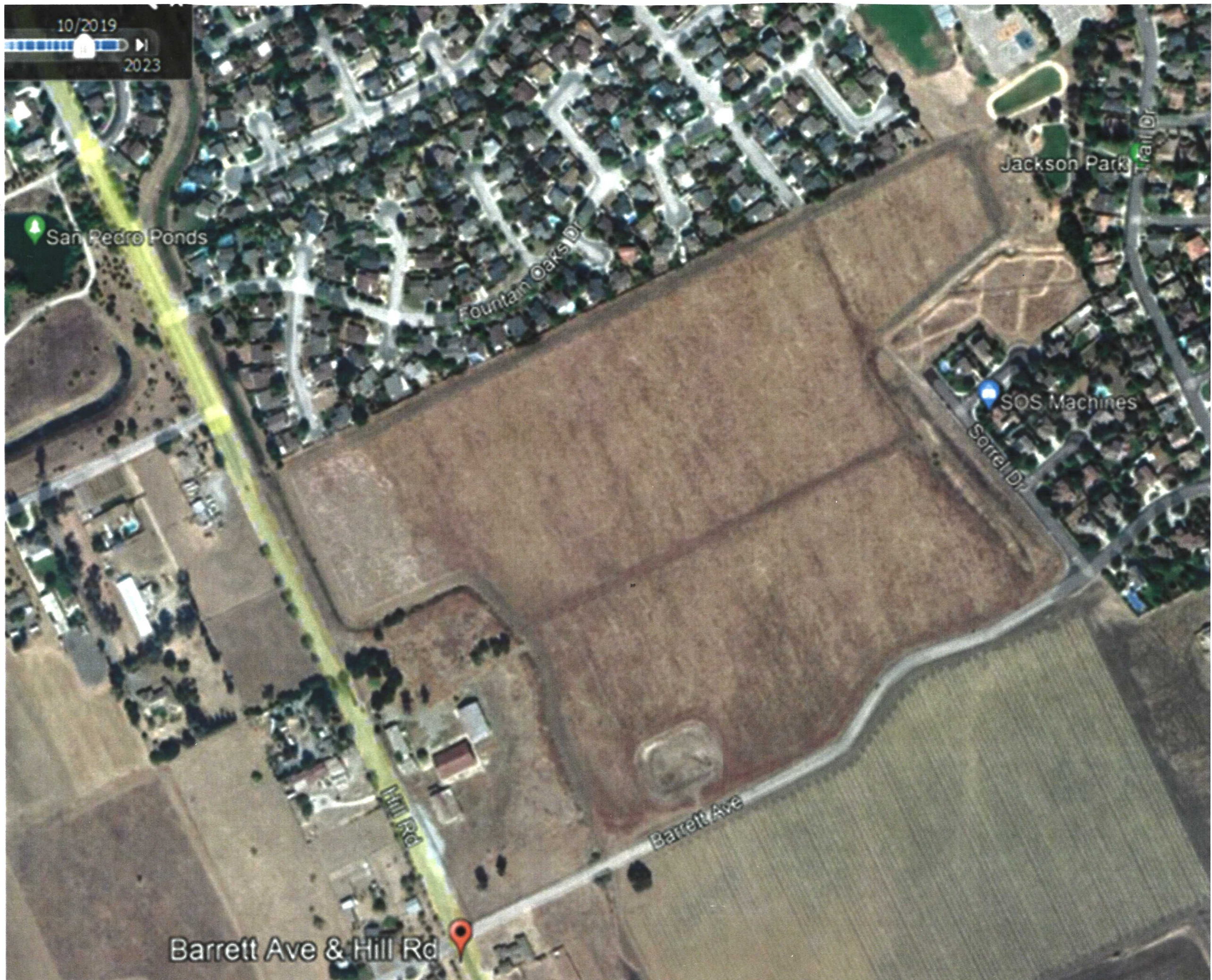
Aerial Photos (2018 through 2022)

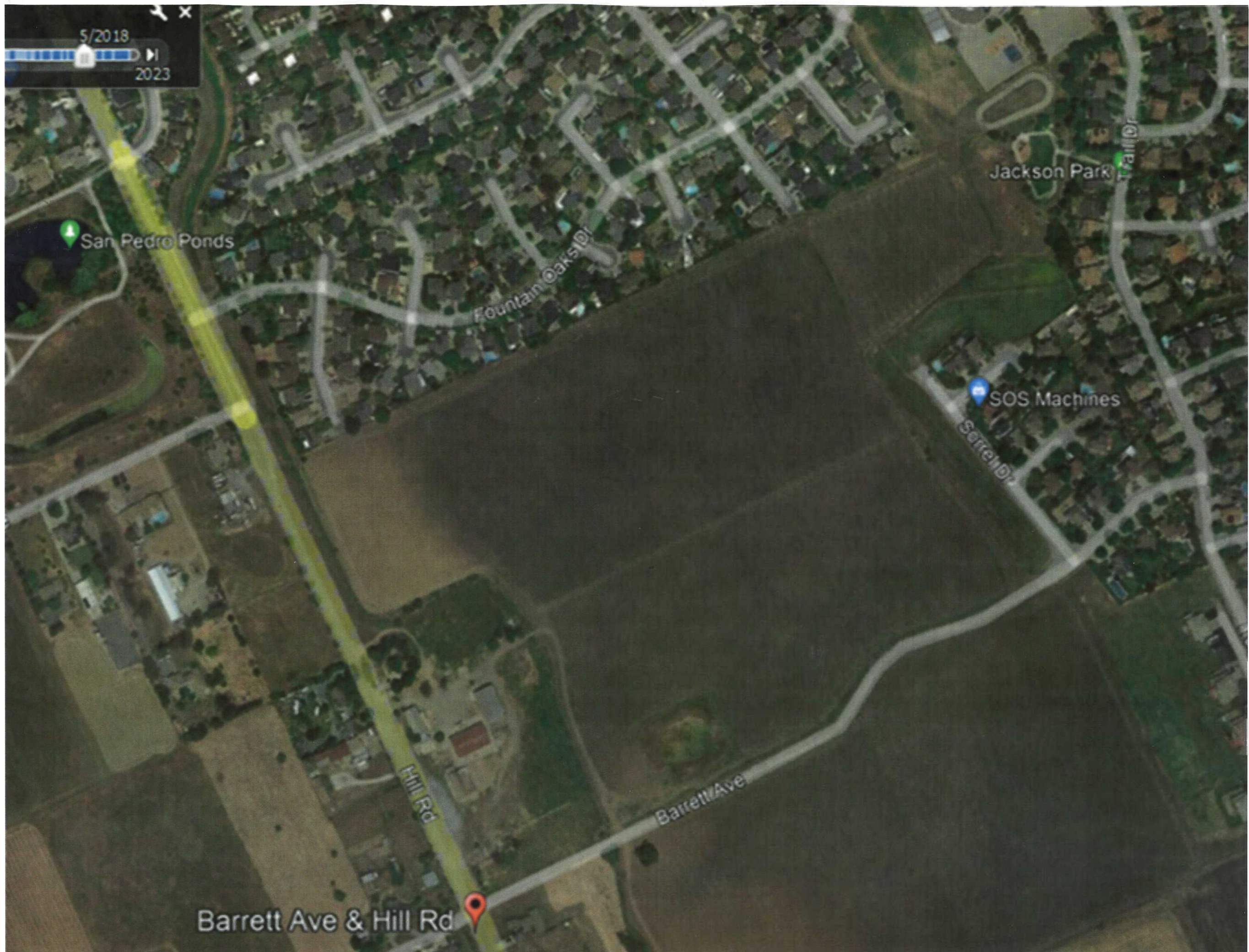












From: [REDACTED]
To: [Tiffany Brown](#)
Subject: [EXTERNAL] Subject: Draft EIR Comment
Date: Wednesday, January 3, 2024 4:22:39 PM

Hello, Tiffany:

These are my comments regarding the draft EIR report for the New Horizons project:

1. The street that I currently live on Sorrel Way at Fountain Oaks is planned to be opened up to support the new housing development as a through-street to Barrett. Currently, Sorrel on the other side of the existing field is Sorrel Road not Sorrel Way. Will our street continue to be Sorrel Way?
2. What kind of safety feature will be added to the exit from the development on to Sorrel Way? Will there be a stop sign or a roundabout? Originally, the developer said there would be a surface grading difference installed to slow down traffic between Barrett and Fountain Oaks/E. Dunne. This doesn't appear to be mentioned in the EIR. What is the current safety plan for Sorrel Way?
3. Planned residential parking appears to be insufficient for the amount of residents. How will parking on current nearby resident streets (e.g. Sorrel Way) not be negatively impacted?
4. The EIR acknowledges traffic will be heavier at Fountain Oaks and Hill Road . This is a heavily trafficked area currently without the addition of these new houses. How does the city plan on addressing this issue?
5. There is commonly flooding at the end of Sorrel Way at the existing field during the winter. This problem has been reported several times to the City. How will the developer solve, and not exacerbate, this problem?

Thank you,

Donna Rose
[REDACTED]

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From: [REDACTED]
To: [Tiffany Brown](#)
Subject: [EXTERNAL] Subject: Draft EIR Comment - correction
Date: Wednesday, January 3, 2024 4:31:27 PM

Tiffany:

I need to correct the street name from my last email. It is Sorrel Way on one side of the field and Sorrel Drive on the other side of the field. This is the street that the developers plan to open up and make a thorough-fare.

THank you,
Donna Rose

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From: [REDACTED]
To: [Tiffany Brown](#)
Subject: [EXTERNAL] New Horizons Development DEIR Concerns
Date: Tuesday, January 2, 2024 4:37:50 PM

Hello Tiffany,

Further to the City's DEIR meeting on December 4th, 2023, following are some of the concerns addressed regarding the New Horizons Development project located along Barrett Ave and Hill Road:

1. Pedestrian safety at San Pedro Pond: Pedestrian with pets and children cross Hill Road in front of the Ponds on a daily basis. There is no pedestrian crosswalk or additional lighting to ensure their safety.
2. Water channel culvert that parallels Hill Road near Fountain Oaks Drive: During rainy season, this waterway has been known to flood causing road damage and slowing vehicular traffic to a crawl.
3. Highway 101 commuters using city surface streets to bypass congested traffic on freeway: Tennant Ave, Murphy Rd, Hill Rd, Dunne Ave, E. Main Street are all being used as roadways to avoid traffic and adds to surface street congestion. Additionally, drivers recklessly disobey posted traffic speed limits, and pass cars into oncoming traffic without regard for pedestrian and cyclists safety.
4. During school session there is a significant and impacting amount of vehicular traffic along Barrett Ave, Fountain Oaks Drive and Trail Road. Parents regularly disobey speed limits, double park, park in red zones etc to drop off children at Nordstrom Elementary School. At times, it is difficult and dangerous to turn north and southbound onto Hill Drive from Fountain Oaks Drive and Barrett Avenue.
5. Hill Road is a low-lying roadway that often floods during the rainy season. The pavement inevitably erodes and causes large potholes that require annual repairs. During repairs, the roadways are completely shutdown or reduced to one lane only. This increases traffic congestion in area with limited egress.
6. Fire safety concerns: Most recently, the SCU fire engulfed Santa Clara County. Residents were placed on high-alert and advised to prepare for evacuations over several days. If the fire crested the mountain side along Harvey Bear Park and Anderson Lake, thousands of residents would be forced to evacuate within a short period of time causing massive gridlocks and chaos. For those owning 4-wheel drive vehicles, they drive off-road or on the sidewalks to save their lives. Families living near or off Trail Drive have very limited egress during natural disasters or emergencies. East Dunne Ave at Gallop Drive became a right turn only exit after a fatal vehicular accident at said intersection. This direction of travel forces drivers into danger should a fire were crest westbound from the mountains.
7. Barrett Avenue is a two-lane country road without any sidewalks or buffer for pedestrians or cyclist. Is there a plan to add sidewalks to the north and south sides of Barrett Avenue to ensure safety?
8. Jackson Park is slotted to be revamped and will include a dog park. Dog owners allow pets to run off leash at this park against the City's municipal code. I've never seen a police officer or code enforcement officer enforcing these laws. Is there a consideration for additional parking in the area, as it is all residential curbside parking only.
9. In 2017, Anderson Reservoir overflowed which caused the flooding and closure of N/B and S/B Highway 101. Drivers are forced onto Monterey Road to bypass the closure. This cause gridlock traffic in most areas east of Highway 101.
10. All three freeway onramps (Tennant Ave, E. Dunne Ave, Cochrane Rd.) to Highway 101 have metering lights with a designated commuter lane. As well-intended as these traffic signals are, some drivers cutoff

other drivers by driving over the solid white lines and merging at the last minute to avoid sitting in traffic. In 2016, the Metropolitan Traffic Commission reported 24% of drivers in the commuter lane were solo drivers. Is there consideration for allowing 2-vehicles per green light to merge onto the freeway. Also, at westbound Cochrane Rd onto northbound 101 there is a "Stop at Red" traffic sign, yet there are several erected roadway pylons that would not allow for other traffic to flow onto the same traffic lane, requiring drivers to wait for the green traffic signal appears moot. This adds traffic backups on surface streets.

11. The field where the development site is set to construct is regularly visited by animal wildlife. I've seen deer, roadrunners, ducks, foxes, coyotes, and so forth graze on these lands as a mean for survival. Will there be any consideration for native plants and/or trees that they may continue to feed on?

12. Is the city and Morgan Hill Police Department considering adding additional resources to their force? I've called the police department on several occasions and although the dispatchers answer promptly, I've waited over an hour for an officer to arrive at the scene of an assault where a mentally unstable man was vandalizing property and assaulted an elderly male causing injury. It seems the city continues to add housing without consideration for the impact on the 9-1-1 system.

13. Will the project contain any retaining walls to reduce overall neighborhood noise? There are a handful of residences along Hill Rd and Barrett Ave that regularly have large annual parties, especially during the summer months. Some of these parties have live bands further disrupting residents. Will the city amend the noise ordinance to terminate at 10PM instead of the current 11PM curfew? South of Barrett Avenue is the Sheriff's Department jurisdiction. They habitually have extended response times to such calls. Will the city adopt a "brotherly code" where the Morgan Hill PD can enforce these laws in a timely manner?

14. There are 4 large residences at the east end of Trail Drive with a primary home and what appears to be an attached Additional Dwelling Unit. This area has become a boneyard for broken-down cars, trash strewn about and the city/sheriff does not appear to take an interest to addressing the sanitary issue which diminishes residents home value.

15. The addition of new homes in these areas will inevitably cause additional traffic congestion, including the downtown Morgan Hill area which is already overpopulated and congested. It can be difficult to find parking if one is to visit downtown Morgan Hill diners. Is there consideration for additional parking in downtown Morgan Hill to alleviate the parking dilemma?

Thank you for your consideration to this matter.

Sincerely,

Abbie Serrano
Abigail ReyesPena

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From: Tom Tanner [REDACTED]
Sent: Wednesday, December 20, 2023 2:19 PM
To: Tiffany Brown
Cc: 'Teri Tanner'
Subject: [EXTERNAL] New Horizons Project -- Draft EIR Comment

Hello Tiffany,

The following are questions/comments regarding the Draft EIR for the New Horizons project.

- Transportation Analysis (Appendix J) uses an analysis methodology that does not closely match the real existing traffic volume from the nearby neighborhood.
 - o While the traffic study is based on accepted tools like VTA VMT Evaluation Tool and , the analysis is based on VMT per capita criteria (citywide average VMT per capita is currently 24.64) that does not accurately match existing neighbor vehicles per household and vehicle trips and probable matching/similar vehicles per household and vehicle trips for the project. The norm for vehicles per household in the existing neighbor is approximately 4 vehicles per domicile/household. Some neighborhoods (Trail Drive south of Barrett Ave) regularly have 40 vehicles for the 6 houses (almost 7 vehicles per house) on that segment of Trail Drive. Therefore ADT (average daily trips) and VMT per capita metrics are significantly understated for the transportation analysis making EIR alternatives and mitigations incorrect.
- Parking for the project is understated if Morgan Hill standards are utilized.
 - o The norm for vehicles per household in the existing neighborhood is approximately 4 vehicles per domicile/household. Some neighborhoods (Trail Drive south of Barrett Ave) regularly have 40 vehicles for the 6 houses (almost 7 vehicles per house) on that segment of Trail Drive.
- Speed signage with Radar is not an effective mitigation
 - o In order for this to be effective, local police/county sheriff/highway patrol has to have units actually monitor traffic speed and issue tickets. This will rarely be done (even if it is done, traffic speed resumes normal speed shortly after the monitoring is no longer done) so this mitigation will have no real effect on traffic speed.
- Traffic analysis did not include the alternative of a 4 way stop at Hill Road and Barrett Ave (as I requested in a previous email to Morgan Hill/Tiffany Brown)
 - o Most traffic on Hill Road is cut-through traffic (to avoid US 101) and is not from Morgan Hill residents but from the vehicles from outside Morgan Hill (from San Benito County, coming from Hwy 152/New Ave for example). When the Waze application from Google was first introduced, traffic on Hwy 17 was recommended to re-route through the Town of Los Gatos as a faster alternative to Hwy 17. Upon discovering this impact to its local streets, the Town implemented measures that would then have Waze from showing local streets as a better alternative than Hwy 17. Making the intersection of Hill Road and Barrett Ave as a 4 way stop sign intersection will discourage the non-Morgan Hill vehicle traffic from using Hill Road northbound at Tennant Ave in the morning commute and evening commute traffic from southbound US 101 (often exiting at Cochran Ave then using east Morgan Hill local streets.) This alternative would be consistent with how Morgan Hill and Santa Clara County has recently installed stop signs (and created 3 way or 4 way stop intersections) on local streets to try to control traffic flow. Morgan Hill should implement this measure for Morgan Hill residents to improve and control cut-through traffic impacts.

- Traffic analysis did not consider the regional origin/destination of vehicle traffic (especially on Hill Road).
 - o See comment above.

Best regards
Tom Tanner



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Maria Kisyova

From: Denise Weyl [REDACTED]
Sent: Thursday, December 21, 2023 1:59 PM
To: Tiffany Brown
Subject: [EXTERNAL] Draft EIR Comment

Hello Tiffany. I am a homeowner on Trail Drive near the proposed 69.4 acre project bounded by Barrett Ave, Sorrel Dr, and Jackson Park. It's sad for me as a homeowner in this area for the past 25 years to see this large agricultural parcel about to be developed into over 300 residences. My concerns include: the traffic that will certainly increase as a result of this large new number of homes, water usage from this additional population in the age of increased drought, and the obliteration once again of Morgan Hill's largely agricultural/rural heritage.

I understand the need to increase the number of homes in Morgan Hill given the shortage of housing in the Bay Area, but it appears to me that there is unbridled development in our city everywhere you look. I hope that the availability of the necessary resources and infrastructure are being strongly considered, not just the additional tax dollars that the city will receive from new residents and taxpayers.

Sincerely,
Denise Weyl
[REDACTED]

Sent from my iPad

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Appendix B: Geotechnical Investigation Report

GEOTECHNICAL INVESTIGATION

On

PROPOSED RESIDENTIAL DEVELOPMENT

New Horizons

At

**Hill Road & Barrett Avenue
Morgan Hill, California**

For

DR Horton Bay, Inc

By

Quantum Geotechnical, Inc.

Project No. D020.G

May 15, 2020

QUANTUM GEOTECHNICAL INC.

Project No. D020.G
May 15, 2020

Ms. Samantha Higbee
Due Diligence Manager
D.R. Horton Bay, Inc
6683 Owens Drive
Pleasanton, CA 94588

Subject: Proposed Residential Development
New Horizons
North East Corner of Hill Road and Barrett Avenue
Morgan Hill, California
PRELIMINARY GEOTECHNICAL INVESTIGATION

Dear Ms. Higbee:

In accordance with your authorization, *Quantum Geotechnical, Inc.*, has investigated the geotechnical conditions at the subject site located in Morgan Hill, California

The accompanying report presents the results of our field investigation. Our findings indicate that development of the site for the proposed new residence is feasible provided the recommendations of this report are carefully followed and are incorporated into the project plans and specifications.

Should you have any questions relating to the contents of this report or should additional information be required, please contact our office at your convenience.

Sincerely,
Quantum Geotechnical, Inc.


Simon Makdessi, P.E., G.E.
President



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GEOTECHNICAL INVESTIGATION

PURPOSE AND SCOPE

The purpose of the investigation for the proposed new residential subdivision located at the north east corner of Hill Road and Barrett Avenue in Morgan Hill, California, was to determine the surface and subsurface soil conditions at the subject site. Based on the results of the investigation, criteria were established for the grading of the site, the design of foundations for the proposed development, and the construction of other related facilities on the property.

Our investigation included the following:

- a. Field reconnaissance by the Soil Engineer;
- b. Determine the general seismicity of the site in accordance with the 2019 CBC;
- c. Drilling and sampling of two borings and ten test pits;
- d. Performing five percolation tests;
- c. Laboratory testing of soil samples;
- d. Analysis of the data and formulation of conclusions and recommendations; and
- e. Preparation of this written report.

PROPOSED DEVELOPMENT

It is our understanding that the proposed project consists of developing the site for the construction of 24 single family homes, a park and associated improvements. Grading details are not known at this time but given the level nature of the site terrain, are anticipated to consist of cuts and fills of the order of 3 feet or less. The buildings are expected to be wood frame construction supported on a post-tensioned slab foundation.

SITE LOCATION AND DESCRIPTION

The subject site covers an area approximately 72 acres in size in the eastern part of Morgan Hill, CA. The site sits on approximately level terrain, within a sediment filled basin, at elevation approximately 351 feet above mean sea level (3). The site is bounded by Hill Road to the southwest, Barrett Avenue to the southeast, and existing residential divisions on the other sides. The site is roughly rectangular shaped, elongated to the east and west, and hosts a pre-existing

residential division that is not included in the development proposal. This division resides along the eastern portion of the site.

Based upon a review of historical images from Google Earth, as well as from the NETR database of historical aerials (5), the site until recently has been used for agriculture. The majority of the site consists of rows of soil tilled for crop growing. An irrigation canal approximately 10 feet deep exists on the western portion of the site, which separates the crop area from several farm buildings.

The site location and description are based on a site reconnaissance by the geotechnical engineer and on a site development plan by Camp & Camp Associates, dated 03-27-17.

GENERAL GEOLOGIC CONDITIONS

The site is located within the Coast Ranges Geomorphic Province of California. Throughout the Cenozoic Era, the western part of California has been affected by tectonic forces associated with lateral or transform plate motion between the North American and Pacific crustal plates, which has produced a complex system of northwest-trending faults - the San Andreas, Hayward, and Calaveras Fault systems being the most prominent. Uplift, erosion and subsequent re-deposition of sedimentary rocks within this province have been driven primarily by the northwest-southeast directed strike-slip movement of the tectonic plates and the associated northeast oriented compressional stress. The northwest-trending coastal mountain ranges are the result of an orogeny believed to have been occurring since the Pleistocene epoch (approximately 2-3 million years before present).

The site resides in level terrain at approximately 351 feet above mean sea level (3) on the southern end of the Santa Clara Valley. Based on a review of geologic maps (2)(4), the site resides in a basin between the Diablo Range to the east and the Santa Cruz Range to the west, and is underlain by Pleistocene alluvial sediments. These deposits will tend to consist of well consolidated silts and gravelly clays.

A review of the available literature reveals that the California Geological Survey has mapped this area in 2006 under the "Seismic Hazard Zone Report for the Mt. Sizer 7.5-Minute Quadrangle, Santa Clara County, California" (2). Based on a review of the hazard zone map for liquefaction and landslide potential, the site does not reside in an area of elevated potential for either of these

hazards. A review of the ABAG interactive liquefaction susceptibility map shows that the site does not reside in an area of elevated liquefaction susceptibility (1). According to the USGS Quaternary fault map (<http://earthquake.usgs.gov/hazards/qfaults/map/>), the site resides approximately 2.0 miles west of the Calaveras Fault and approximately 9.0 miles and 11.0 miles northeast of the Sargent and San Andreas Faults, respectively (7). These and adjacent faults and their proximity to the site are presented in Figure 1, "Site Vicinity and Fault Map".

INVESTIGATION

The field investigation was performed over the course of two days on April 13 and May 10, 2017, and included a reconnaissance of the site, the advancement of two soil borings, and the excavation of 10 soil test pits at the approximate locations shown on Figure 3, "Site Plan".

Test pits were excavated via a track-mounted excavator wielding a 30 inch bucket. The site geologist logged the soil, and samples of soil were taken to analyze and characterize the soil properties. The samples were sealed and returned to the laboratory for testing. Classifications made in the field were verified in the laboratory after further examination and testing.

The borings were advanced to maximum depth 33 feet using a truck mounted B-24 mobile drill rig utilizing 4.5 inch solid flight augers. Visual classifications were made from auger cuttings and the samples in the field. As the drilling proceeded, relatively undisturbed core samples were obtained by means of a 3.0 inch O.D. Modified California split-tube sampler containing 2.5 inch O.D. brass liners, and a 2.0 inch O.D. standard pin split tube sampler. The sampler was advanced into the soils at various depths under the impact of a 140-pound hammer having a free fall of 30 inches. The number of blows required to advance the sampler 12 inches into the soil, after seating the sampler 6 inches, were recorded on the boring logs.

The stratification of the soils, descriptions, location of undisturbed soil samples and blow counts are shown on the respective "Logs of Test Borings" and "Logs of Test Pits" contained within Appendix A.

Laboratory testing was conducted for Atterberg Limits, moisture density, gradation analysis, consolidation, and corrosion potential. The data received from the lab are presented on the boring logs/test pit logs.

In addition, a total of four areas are designated to have bio-filtration basins. A total of five percolation tests were performed at the locations shown on Figure 3, by drilling an 8 inch diameter hole to a depth of 7 feet, placing a 4 inch perforated pipe centered in the hole that extended a few inches above the ground surface, and filling the annulus with pea gravel to the ground surface. The material encountered in the Percolation Test Holes varied, but were consistent with those encountered in the borings and test pits, and consisted of a clayey gravel and clayey sand. The percolation test holes were filled with water to saturate the hole overnight. The percolation test was performed the next day by filling water to the top and the drop in water level within the pipe was measured at 30 minute intervals. The depth was measured relative to the top of pipe. The test was terminated when the water level drop was similar for 3 consecutive readings. The average water level drop during the last 3 readings is recorded as the percolation rate. The measured percolation rates are as follows;

P1	4.6"/hr
P2	4.6"/hr
P3	8.6"/hr
P4	12"/hr
P5	7.3"/hr

SUBSURFACE CONDITIONS

These rates are superseded by the infiltration testing conducted by Cornerstone Earth Group. Please see the project's Preliminary Stormwater Control Plan for more information.

Soil conditions within the test pits varied little throughout the site. Generally, soil profiles consisted of 3 to 5 feet of fine sandy clay to silt over 5 to 10 feet of clayey sand with varying amounts of gravel. Significant cobbles were encountered at depth throughout the site.

Ground water was encountered at 23 foot depth in our deeper boring, Q-1, at the time of our exploration. No other borings or test pits yielded any groundwater. Fluctuations in the groundwater table can be expected with changes in seasonal rainfall, urbanization, and construction activities at or in the vicinity of the site.

A more thorough description and stratification of the soil conditions are presented on the respective "Logs of Test Borings" and "Logs of Test Pits" in Appendix A. The approximate locations of the borings are shown on Figure 3, "Site Plan" in Appendix A.

2019 CBC SEISMIC DESIGN CRITERIA

The potential damaging effects of regional earthquake activity should be considered in the design of structures. The seismic design should be in accordance with Chapter 16 of the 2019 California Building Code (CBC). The 2019 CBC utilizes the design procedures outlined in the ASCE 7-16 Standard.

Using the criteria in Chapter 20 of ASCE 7-16, the site is classified as Site Class D. The seismic design parameters have been developed using the online “Seismic Design Maps” tool by the Structural Engineering Association (SEA) and Office of Statewide Health Planning and Development (OSHPD) and a site location based on longitude and latitude.

The parameters generated for the subject site for a latitude 37.13142° N and longitude 121.60975° W, are presented in Table 1 on the following page. According to Section 11.4.8 of ASCE 7-16, a ground motion hazard analysis shall be performed when the coefficient S_1 has a value greater than or equal to 0.2 for Site Class D and E sites. A ground motion hazard analysis is excepted if the C_s value is determined by equation 12.8-2 of ASCE 7-16. This is to be determined by the structural engineer. In the event that the calculated C_s values do not trigger a ground motion hazard analysis, the following parameters may be used.

Table 1
2019 CBC Seismic Design Criteria

Seismic Parameter	Coefficient	Value
Site Class – Stiff Soil		D
Peak Ground Acceleration (Site Modified)	PGA_M	0.867
Mapped MCE Spectral Acceleration at Short-Period 0.2 secs	S_s	1.893
Mapped MCE Spectral Acceleration at a Period of 1.0s	S_1	0.697
Adjusted MCE, 5% Damped Spectral Response Acceleration at Short Period of 0.2s	S_{MS}	1.893
Adjusted MCE, 5% Damped Spectral Response Acceleration at Period of 1.0s	S_{M1}	1.185
Design 5% Damped Spectral Response Acceleration at Short Period of 0.2s for Occupancy Category I/II/III	S_{DS}	1.262
Design 5% Damped Spectral Response Acceleration at Period of 1.0s for Occupancy Category I/II/III	S_{D1}	0.789

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

GENERAL

1. From a geotechnical point of view, the site is suitable for the construction of the proposed residential development provided the recommendations presented in this report are incorporated into the project plans and specifications.
2. The most prominent geotechnical feature of the site as encountered in the borings and test pits is the presence of near surface gravelly soil. In some test pits the gravelly soil collapsed at depth. The underground contractor must be made aware of this condition and review the boring logs and test pits to evaluate the stability of trenching activities.

DEMOLITION

3. The site will require demolition of existing structures and grubbing of trees. In addition, old irrigation pipes may be present in the field that will require removal. We recommend that in the area of the open field be investigated during the initial grading to evaluate the depth of disturbance and presence of any old foundations, or piping that may lead to septic tanks. Excavations created by the removal of the structures or grubbing of trees may cause disturbed/loose areas, and where this occurs the loose material should be excavated and replaced as engineered fill, or if it is less than 1 foot in thickness, can be compacted in place, prior to placing fill.
4. If any excavations are loosely backfilled without our knowledge and these excavations are not located and backfilled during grading, future settlement of these loosely filled excavations could occur and may cause damage to structures and improvements.

GRADING

5. The grading requirements presented herein are an integral part of the grading specifications presented in Appendix B of this report and should be considered as such.
6. The site contains significant vegetation cover and stripping of vegetation and topsoil may be required. Vegetation conditions may be different at the time of grading, and the extent of any

stripping, mowing or discing as part of site preparation, will be revaluated at the time of grading. Any strippings will be stockpiled in an approved area that is unaffected by grading operations until their future use. Organically contaminated soil material may be utilized in landscape areas located outside the building footprint.

7. After site preparation, the top 8 inches of exposed ground should be scarified and compacted to a degree of relative compaction of at least 90% at 2 percent above optimum moisture content as determined by ASTM D1557-12 Laboratory Test Procedure.

8. The site may be brought to the desired finished grades by placing engineered fill in lifts of 8 inches in uncompacted thickness and compacting to a minimum relative compaction of 90% at 2 percent above optimum moisture content for lean clay soil as determined by ASTM D1557- 12 Laboratory Test Procedure.

9. All soils encountered during our investigation except those within the top few inches of predominantly organic material, are suitable for use as engineered fill when placed and compacted at the recommended moisture content and provided it does not contain any debris.

SURFACE AND SUBSURFACE DRAINAGE

10. All finish grades should be provided with a positive gradient to an adequate discharge point in order to provide rapid removal of surface water runoff away from all foundations. No ponding of water should be allowed on the pad or adjacent to the foundations. Surface drainage must be designed by the project Civil Engineer and maintained by the property owners at all times. The pad should be graded in a manner that surface flow is to a controlled discharge system.

11. Lot slopes and drainage must be provided by the project Civil Engineer to remove all storm water from the pad and to minimize storm and/or irrigation water from seeping beneath the structures. Should surface water be allowed to seep under the structure, foundation movement resulting in structural cracking and damage will occur. Where possible, finished grades around the perimeter of the structures should be compacted and should be sloped at a minimum 2% gradient away from the exterior foundation. Surface drainage requirements constructed by the builder should be maintained during landscaping. In particular, the creation of planter areas confined on all sides by

concrete walkways or decks and the residence foundation is not desirable since any surface water due to rain or irrigation becomes trapped in the planter area with no outlet. If such a landscape feature is necessary, surface area drains in the planter area or a subdrain along the foundation perimeter must be installed.

12. Continuous roof gutters are recommended. According to local government requirements, roof downspout and drain flows should be directed to at grade bio-filtration areas, or raised planter boxes next to the building perimeter, where possible. From a geotechnical and maintenance point of view it is undesirable to discharge water into at grade bio-filtration areas near foundations, because of the possibility of water ponding for sustained periods of time.

BIO-FILTRATION FACILITIES

13. As mentioned earlier, it is undesirable to discharge water into at grade bio-filtration areas near foundations, because of the possibility of water ponding for sustained periods of time, potentially creating excessive moisture related issues. However, certain design features could be made to minimize such potential effects. In addition, the property owners must always maintain the bio-filtration area to ensure that they are performing as designed and that water does not pond in the area for longer than 48 hours.

14. Typically, the bio-filtration areas consist of an 18 inch layer of sandy loam over 18 inches of permeable gravel material. The top of the bio-filtration area is typically approximately 1 foot below pad grade, therefore, the base of the bio-filtration area will be approximately 4 feet below pad grade. The base of the bio-filtration area will typically contain a perforated pipe to drain any water that may collect within 24 hours. In some situations, the bio-filtration areas may be located immediately adjacent the building structure.

15. Where bio-filtration areas are located closer than 5 feet of the building, the section of loose loam and gravel will provide reduced lateral support, and we recommend a deepened footing be constructed along the perimeter the building adjacent to the bio-filtration area and extending 3 feet beyond in plan length. The depth of the deepened footing will depend on how close the bio-filtration area is located to the building perimeter. As a guide, the footing is to be deepened such that when an imaginary line inclined at 45 degrees from the outside edge base of the footings, it extends below the base of the bio-filtration area excavation. Where bio-filtration areas are located further

than 5 feet, no special design is required. Provided the bio-filtration facility is lined with an impermeable liner, no waterproofing of the deepened footing is required.

16. Where bio-filtration areas are located closer than 3 feet of street pavements, a deepened curb footing is required. Where bio-filtration areas are located closer than 1 foot of street pavements, because pavements do not have a positive connection to a deepened curb/footing, the deepened curb/footing may need to be designed as a retaining wall rigid enough to create minimal lateral deflections.

17. Where bio-filtration areas are located closer than 2 feet of hardscape areas, a deepened edge footing is required. The deepened edge should extend at least 1 foot below the subgrade. Where the bio-filtration area is immediately adjacent the hardscape, the deepened edge is to extend at least 3 inches below the base of the bio-filtration system.

FOUNDATIONS

18. The proposed residential structures may be satisfactorily supported on a post-tensioned slab foundation.

Post Tensioned Slab on Grade

19. Post-tensioned slabs should be designed using the following criteria which is based on the design method presented in the Post-Tensioning Institute, Standard Requirements for Design and Analysis of Shallow Post-Tensioned Concrete Foundations on Expansive Soils (PTI DC10.5-12), 2012. Using the relevant site soil and climatic parameters, the recommended geotechnical criteria for use in the design of the post-tensioned slabs is as follows;

	<u>Swelling Mode</u>	
	<u>Center Lift</u>	<u>Edge Lift</u>
Edge Moisture Variation Distance (e_m)	9.0 feet	5.1 feet
Differential Soil Movement (y_m)	0.69 inches	1.19 inches

It is noted the soil conditions at pad grade may vary due to planned grading. We recommend the final slab design be determined during grading.

20. The maximum allowable bearing pressure at the base of the slab and for localized thickened footings should not exceed 2,000 p.s.f. for dead plus sustained live loads.

21. As indicated earlier, bio-filtration areas may be designed close to the foundation. Where bio-filtration areas are located closer than 5 feet of the building, the section of loose loam and gravel, will provide reduced lateral support, and we recommend a deepened footing be constructed along the perimeter the building adjacent to the bio-filtration area and extending 3 feet beyond in plan length. The depth of the deepened footing will depend on how close the bio-filtration area to the building perimeter. As a guide, the footing is to be deepened such that when an imaginary line inclined at 45 degrees from the outside edge base of the footings, it extends below the base of the bio-filtration area excavation.

General Construction Requirements for Post Tensioned Slab-on-Grade

22. Prior to construction of the slab, the slab subgrade should be observed by the Soil Engineer to verify that all under-slab utility trenches greater than 18 inches in width have been properly backfilled and compacted, and that no loose or soft soils are present on the slab subgrade.

23. The slab subgrade should be soaked to saturation (minimum 5% above optimum) to a depth of 12 to 18 inches prior to placement of the capillary break or vapor retarder/barrier. This should be verified and approved by the Soil Engineer. The penetration of a thin metal probe to a depth of 10-12 inches generally indicates sufficient saturation.

24. The four (4) inch (minimum thickness) layer of gravel typically placed to provide a capillary break beneath concrete slab-on-grade floors may be omitted beneath the monolithically poured mat slab foundations provided that the slabs are at least 10 inches thick as recommended above. If it is desired to use a 4 inch layer or thinner of gravel section, the gravel should consist of broken stone, crushed or uncrushed gravel, quarry waste, or a combination thereof. The aggregate shall be free from deleterious substances. It shall be of such quality that the absorption of water in a saturated dry condition does not exceed 3% of the oven dry weight of the sample. The material shall be ¾" minus material with no more than 3% passing the #200 sieve, as specified in Appendix C.

25. A moisture vapor retarder/barrier is recommended beneath all slabs-on-grade that will be

covered by moisture-sensitive flooring materials such as vinyl, linoleum, wood, carpet, rubber, rubber-backed carpet, tile, impermeable floor coatings, adhesives, or where moisture-sensitive equipment, products, or environments will exist. We recommend that design and construction of the moisture vapor retarder/barrier conform to Section 1805 of the 2013 CBC and relevant sections of American Concrete Institute (ACI) guidance documents 302.1R-04, 302.2R-06 and 360R-10.

26. The moisture vapor retarder/barrier can be placed above the 4 inches of gravel or directly on the soil subgrade and should consist of a minimum 10 mils thick polyethylene with a maximum perm rating of 0.1 in accordance with ASTM E 1745. Seams in the moisture vapor retarder/barrier should be overlapped no less than 6 inches or in accordance with the manufacturer's recommendations. Joints and penetrations should be sealed with the manufacturer's recommended adhesives, pressure-sensitive tape, or both. The contractor must avoid damaging or puncturing the moisture vapor retarder/barrier and repair any punctures with additional polyethylene properly lapped and sealed. The installation of the vapor retarder membrane must be in conformance with ASTM E1643.

27. A minimum of two inches of wetted sand should be placed over the vapor retarder membrane to facilitate curing of the concrete and to act as a cushion to protect the membrane. The perimeter of the mat should be thickened to bear on the prepared building pad and to confine the sand. During winter construction, sand may become saturated due to rainy weather prior to pouring. Saturated sand is not desirable because the sand cushion may become over saturated, and boil into the concrete causing undesirable structural monopolies of sand pockets within the slab. As an alternate, a sand-fine gravel mixture that is stable under saturated conditions may be used. However, the material must be approved by the Soil Engineer prior to use.

28. Alternatively, the sand layer may be eliminated provided the concrete has a maximum water/cement ratio of 0.45 and a 10 mil Class A vapor retarder membrane, such as Stego® Wrap. In any case, the vapor retarder/barrier should have a maximum perm rating of 0.3 in accordance with ASTM E 1745. Seams in the moisture vapor retarder/barrier should be overlapped no less than 6 inches or in accordance with the manufacturer's recommendations. Joints and penetrations should be sealed with the manufacturer's recommended adhesives, pressure-sensitive tape, or both. The contractor must avoid damaging or puncturing the vapor retarder/barrier and repair any punctures with additional polyethylene properly lapped and sealed.

29. It is our understanding that the preferred post-tensioned slab section is to consist of a slab with concrete having a water/cement ratio of no greater than 0.45, over a vapor retarder membrane underlain by soil subgrade. The sand and gravel sections that are sometimes typically used will not be utilized for this project. This is acceptable from a geotechnical point of view.

30. Any exterior concrete flatwork such as steps, patios, or sidewalks should be designed independently of the slab, and expansion joints should be provided between the flatwork and the structural unit.

MISCELLANEOUS CONCRETE FLATWORK

31. Miscellaneous flatwork, driveways, and walkways may be designed with a minimum thickness of 4.0 inches. Control joints should be constructed to create squares or rectangles with a maximum spacing of 15 feet on large slab areas. Walkways should be separated from foundations with a thick expansion joint filler. Control joints should be constructed into walkways at a maximum of 5 feet spacing.

RETAINING WALLS

32. Retaining walls should be designed to resist lateral pressures exerted from a media having an equivalent fluid weight as follows:

Active Condition	=	45 p.c.f. for horizontal backslope
At-rest Condition	=	60 p.c.f.
Passive Condition	=	275 p.c.f.
Coefficient of Friction	=	0.35

33. For a non-horizontal backslope, the active condition equivalent fluid weight can be increased by 1.5 p.c.f. for each 2 degree rise in slope from the horizontal.

34. Active conditions occur when the top of the wall is free to move outward. At-rest conditions apply when the top of wall is restrained from any movement.

35. It should be noted that the effects of any surcharge, traffic or compaction loads behind the walls must be accounted for in the design of the walls.

36. The above criteria are based on fully drained conditions. If drained conditions are not possible, then the hydrostatic pressure must be included in the design of the wall. An additional

linear distribution of hydrostatic pressure of 63 p.c.f. should be adopted, in this case.

37. In order to achieve fully-drained conditions, a drainage filter blanket should be placed behind the wall. The blanket should be a minimum of 12 inches thick and should extend the full height of the wall to within 12 inches of the surface. If the excavated area behind the wall exceeds 12 inches, the entire excavated space behind the 12-inch blanket should consist of compacted engineered fill or blanket material. The drainage blanket material may consist of either granular crushed rock and drain pipe fully encapsulated in geotextile filter fabric or Class II permeable material that meets CalTrans Specification, Section 68, with drainage pipe but without fabric. A 4-inch perforated drain pipe should be installed in the bottom of the drainage blanket and should be underlain by at least 4 inches of filter type material. A 12-inch cap of clayey soil material should be placed over the drainage blanket. All back drains should be outlet to suitable drainage devices. Retaining wall less than 3 feet in height should be provided with backdrains or weep holes.

38. As an alternate to the 12-inch drainage blanket, a pre-fabricated strip drain (such as Miradrain) may be used between the wall and retained soil. In this case, the wall must be designed to resist an additional lateral hydrostatic pressure of 30 p.c.f.

39. Piping with adequate gradient shall be provided to discharge water that collects behind the walls to an adequately controlled discharge system away from the structure foundation.

40. It is recommended that the retaining walls or soundwalls be founded on a spread footing or pier foundation system. Spread and pier footing design criteria are given below.

RETAINING WALL/SOUNDWALL FOUNDATION - SPREAD FOOTINGS

41. Spread footings should have a minimum depth of eighteen (18) inches below lowest adjacent pad grade (i.e., trenching depth) for soil subgrade. At this depth, the recommended design bearing pressure for continuous footings should not exceed 2,500 p.s.f. due to dead plus sustained live loads and 3,300 p.s.f. due to all loads which include wind and seismic.

42. To accommodate lateral loads, the passive resistance of the foundation soil can be utilized. The passive soil pressures can be assumed to act against the front face of the footing below a depth of one foot below the ground surface. It is recommended that a passive pressure equivalent to that of a fluid weighing 275 p.c.f. be used. The weight of the soil above the footing can be used in the frictional calculations. For design purposes, an allowable friction coefficient of 0.35 can be assumed

at the base of the spread footing.

RETAINING WALL/SOUNDWALL FOUNDATION - PIER FOOTINGS

43. The piers should be designed on the basis of skin friction acting between the soil and the pier. For the soils at the site, an allowable skin friction value of 300 p.s.f. can be used for combined dead and live loads, below a depth of 1 feet. This value can be increased by one-third for total loads which include wind or seismic forces. The size, depth and spacing of the piers is to be determined by the structural engineer.

44. To resist lateral loads, the passive resistance of the soil can be used. The soil passive pressures can be assumed to act against the lateral projected area twice the pier diameter. It is recommended that a passive pressure equivalent to that of a fluid weighing 275 p.c.f be used below 1 foot of final pad grade.

PAVEMENT AREAS

45. R-value tests were not performed as part of this investigation, as the soil expected at subgrade level is not known, will be variable, and depends on the planned grading. Assuming the subgrade material will consist of the on-site clayey material, we will assume an R-value of 5 for preliminary design. However, the final pavement section design will be based on collecting actual subgrade samples during construction.

46. Based on an R-Value of 5, the following flexible pavement sections are recommended.

Traffic Index	AC (inches)	Class II¹ AB (inches)
4.5	3.0	10.0
5.0	3.0	12.0
5.5	3.0	14.0
6.0	4.0	13.5
7.0	4.0	17.0

Notes:

¹Minimum R-Value = 78

R-Value = Resistance Value

All Layers in compacted thickness to Cal-Trans Standard Specifications

47. After underground facilities have been placed in the areas to receive pavement and removal of excess material has been completed, the upper 6 inches of the sub-grade soil shall be scarified, moisture conditioned, and compacted to a minimum relative compaction of 95% in accordance with the grading recommendations specified in this report.

48. All aggregate base material placed subsequently should be compacted to a minimum relative compaction of 95% based on the ASTM Test Procedure of D1557-12 (latest edition). The construction of the pavement areas should conform to the requirements set forth by the latest Standard Specifications of the Department of Transportation of the State of California and/or City of Morgan Hill, Department of Public Works.

49. If planter areas are provided within or immediately adjacent to the pavement areas, or if permeable pavers are used for some areas of pavement, provisions should be made to control irrigation and surface water from entering the pavement subgrade. Water entering the pavement section at subgrade level, which does not have a means for discharge, could cause softening of this zone and lead to pavement failure. We recommend that for areas of permeable pavers, the subgrade be graded to a low point where a subdrain is constructed to discharge any accumulated water.

UTILITY TRENCHES

50. Applicable safety standards require that trenches in excess of 5 feet must be properly shored or that the walls of the trench slope back to provide safety for installation of lines. If trench wall sloping is performed, the inclination should vary with the soil type. The underground contractor should request an opinion from the Soil Engineer as to the type of soil and the resulting inclination.

51. With respect to state-of-the-art construction or local requirements, utility lines are generally bedded with granular materials. These materials can convey surface or subsurface water beneath the structures. It is, therefore, recommended that all utility trenches which possess the potential to transport water be sealed with a compacted impervious cohesive soil material or lean concrete where the trench enters/exits the building perimeter.

52. Utility trenches extending underneath all traffic areas must be backfilled with native or approved import material and compacted to a relative compaction of 90% to within 6 inches of the

subgrade. The upper 6 inches should be compacted to 95% relative compaction in accordance with Laboratory Test Procedure ASTM D1557 (latest edition). Backfilling and compaction of these trenches must meet the requirements set forth by the City of Morgan Hill, Department of Public Works. Utility trenches within landscape areas may be compacted to a relative compaction of 85%.

PROJECT REVIEW AND CONSTRUCTION MONITORING

53. All grading and foundation plans for the development must be reviewed by the Soil Engineer prior to contract bidding or submitted to governmental agencies so that plans are reconciled with soil conditions and sufficient time is allowed for suitable mitigative measures to be incorporated into the final grading specifications.

54. *Quantum Geotechnical, Inc.* should be notified at least two working days prior to site clearing, grading, and/or foundation operations on the property. This will give the Soil Engineer ample time to discuss the problems that may be encountered in the field and coordinate the work with the contractor.

55. Field observation and testing during the demolition and/or foundation operations must be provided by representatives of *Quantum Geotechnical, Inc.* to enable them to form an opinion regarding the adequacy of the site preparation, the acceptability of fill materials, and the extent to which the earthwork construction and the degree of compaction comply with the specification requirements. Any work related to the grading and/or foundation operations performed without the full knowledge and under the direct observation of the Soil Engineer will render the recommendations of this report invalid. This does not imply full-time observation. The degree of observation and frequency of testing services would depend on the construction methods and schedule, and the item of work.

REFERENCES

1. Association of Bay Area Governments. "Interactive Liquefaction Susceptibility Map". Accessed December 21, 2018 from ABAG website: <http://resilience.abag.ca.gov/earthquakes/>.
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3. Google. 2018. "Worldwide Elevations". Accessed on January 22, 2019 from website: <http://elevationmap.net/#menu2>.
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5. Nationwide Environmental Title Research, LLC. 2019. Historic Aerials. Accessed on January 22, 2019 from website: <https://www.historicaerials.com/viewer>.
6. Structural Engineers Association and Office of Statewide Health Planning and Development. 2018. "Seismic Design Maps". Accessed January 22, 2019 from web site: <https://seismicmaps.org/>.
7. U.S. Geological Survey and California Geological Survey. 2006. "Quaternary fault and fold database for the United States". Accessed January 22, 2019 from USGS web site: <http://earthquakes.usgs.gov/regional/qfaults/>.

LIMITATIONS AND UNIFORMITY OF CONDITIONS

1. It should be noted that it is the responsibility of the owner or his representative to notify ***Quantum Geotechnical, Inc.***, in writing, a minimum of two working days before any clearing, grading, or foundation excavations can commence at the site.
2. The recommendations of this report are based upon the assumption that the soil conditions do not deviate from those disclosed in the borings and from a reconnaissance of the site. Should any variations or undesirable conditions be encountered during the development of the site, ***Quantum Geotechnical***, will provide supplemental recommendations as dictated by the field conditions.
3. This report is issued with the understanding that it is the responsibility of the owner, or his representative, to ensure that the information and recommendations contained herein are brought to the attention of the Architect and Engineer for the project and incorporated into the plans and the necessary steps are taken to see that the Contractor and Subcontractors carry out such recommendations in the field.
4. At the present date, the findings of this report are valid for the property investigated. With the passage of time, significant changes in the conditions of a property can occur due to natural processes or works of man on this or adjacent properties. In addition, legislation or the broadening of knowledge may result in changes in applicable standards. Changes outside of our control may render this report invalid, wholly or partially. Therefore, this report should not be considered valid after a period of two (2) years without our review, nor should it be used, or is it applicable, for any properties other than those investigated.
5. Notwithstanding all the foregoing, applicable codes must be adhered to at all times

APPENDIX A

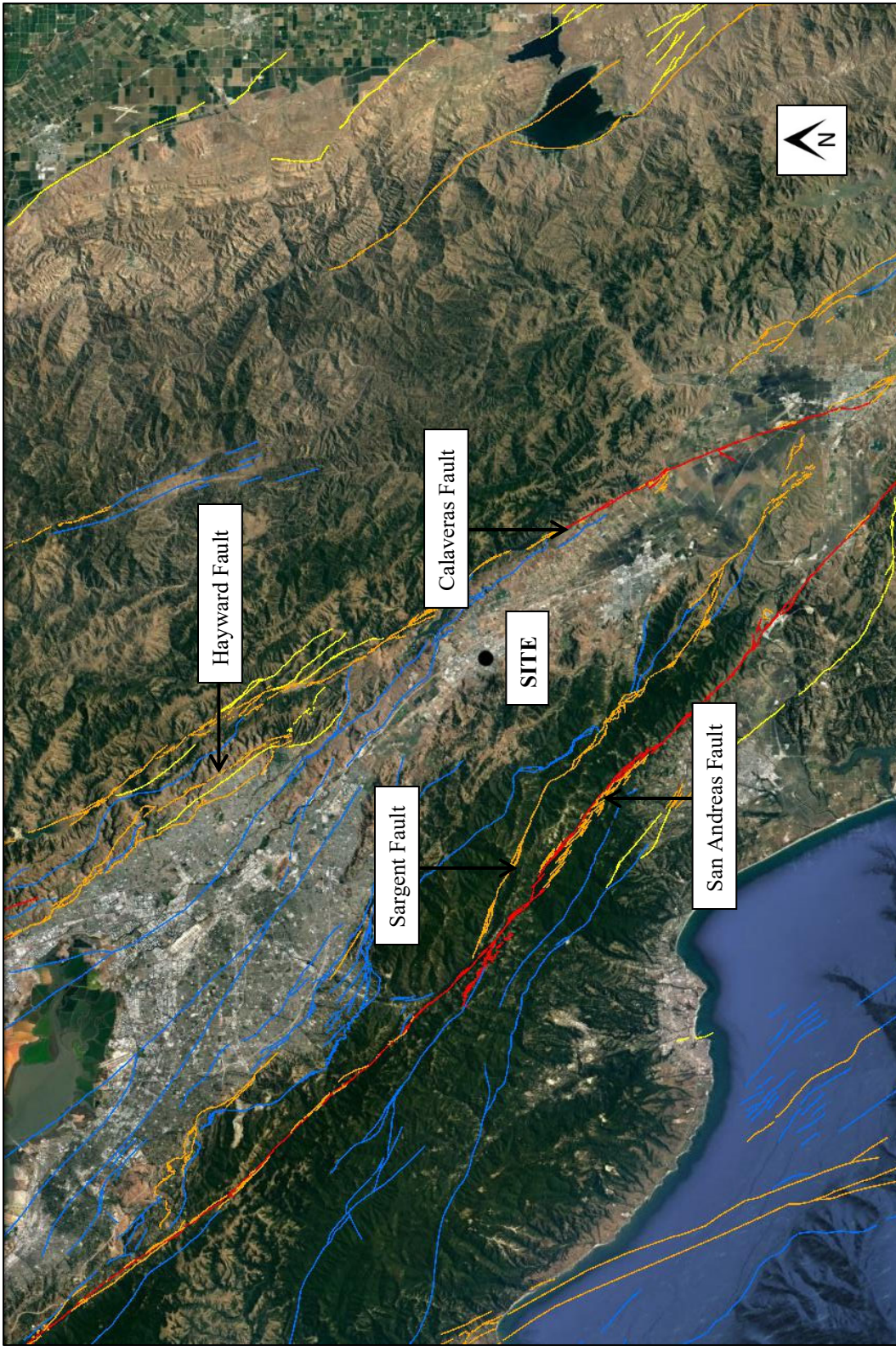
Figure 1 - Site Vicinity and Fault Map

Figure 2 - Regional Geologic Map

Figure 3 - Site Plan

Logs of Test Borings

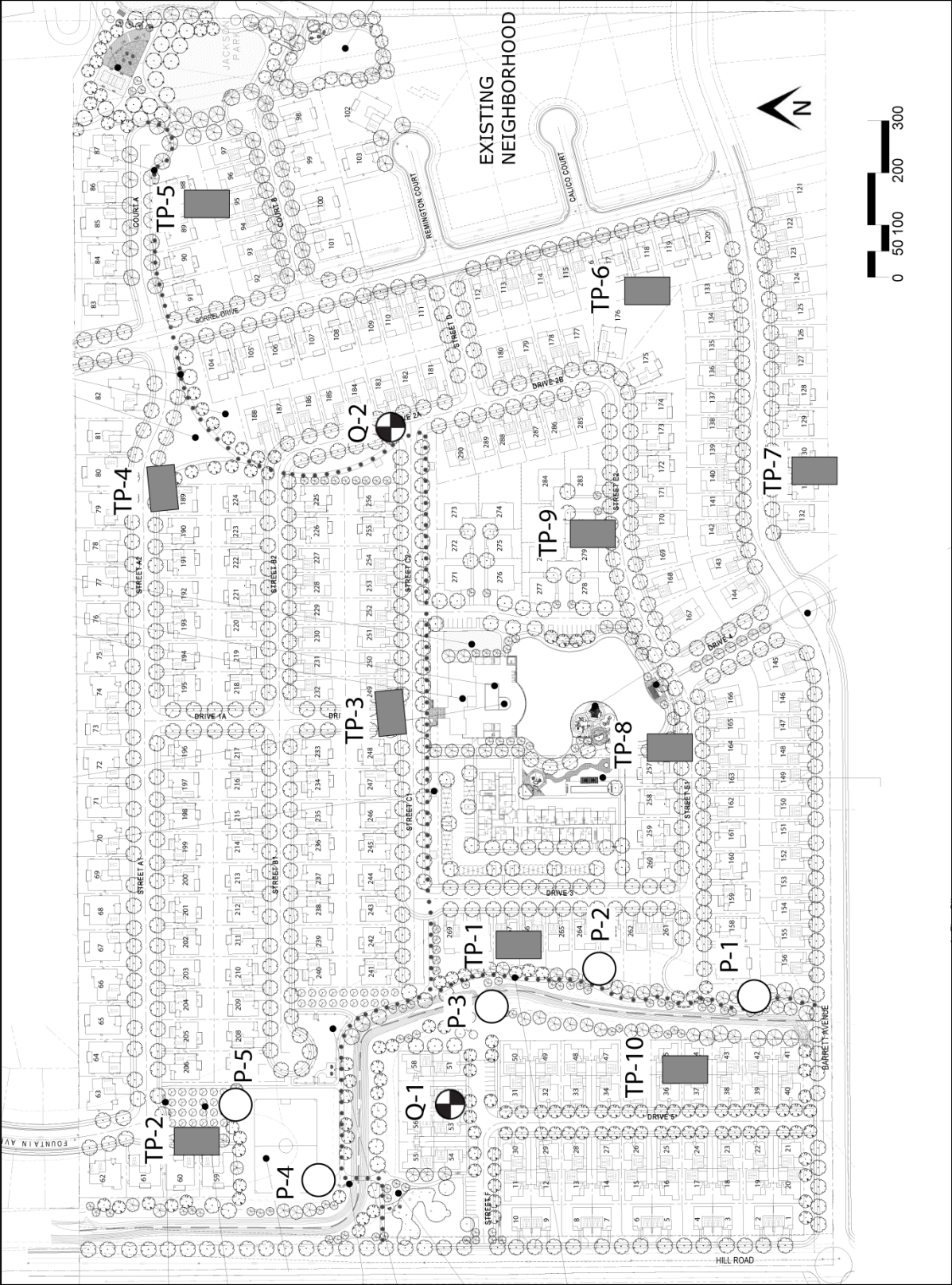
Logs of Test Pits



- 1. Base Map: Google Earth, 2020
- 2. Fault Map Overlay: U.S. Geological Survey and California Geological Survey, 2020. Quaternary fault and fold database for the United States. Accessed May 18, 2020 from USGS web site: <http://earthquakes.usgs.gov/regional/qfaults/>.

QUANTUM GEOTECHNICAL, INC.	SITE VICINITY AND FAULT MAP			
	Proposed Residential Development Hill Rd. and Barrett Ave., Morgan Hill	Project No.	Drawn by:	Figure No.
		D020.G	D.T.	1

Modified from Image Source: D.R. Horton, *New Horizons at Morgan Hill*, Master Site Plan, Job Number 233-034, Produced 03-25-20.



QUANTUM GEOTECHNICAL, INC.		SITE PLAN	
Proposed Residential Development Hill Rd. and Barrett Ave., Morgan Hill		Project No. D020.G	Figure No. 3
		Drawn by: D.T.	

Project: New Horizons	Log of Boring Q-1 Sheet 1 of 2	Quantum Geotechnical, Inc. 1110 Burnett Ave., Ste. B, Concord, Ca 94520
Project Location: Hill Rd. and Barrett Ave., Morgan Hill		
Project Number: D020.G		

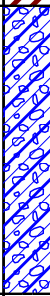
Date(s) Drilled 04-10-17	Logged By DT	Checked By SM
Drilling Method Solid Flight	Drill Bit Size/Type 4.5 in.	Total Depth of Borehole 33 ft.
Drill Rig Type Mobile B-24	Drilling Contractor Hillside Drilling	Approximate Surface Elevation 351 ft. amsl.
Groundwater Level and Date Measured 23 ft.	Sampling Method(s) Modified California, SPT	Hammer Data Rope and Cathead
Borehole Backfill Soil	Location See Site Plan	

Elevation (feet)	Depth (feet)	Sample Type	Sample Number	Sampling Resistance, blows/ft	Material Type	Graphic Log	MATERIAL DESCRIPTION	REMARKS AND OTHER TESTS
351	0				CL		Gravelly CLAY: Reddish to moderate brown; slightly moist; hard (pp>4.5); coarse to fine, angular gravel.	
			1-1	53				
			1-2	58				
346	5							
			1-3	34	GC		Clayey GRAVEL: Dark olive to reddish brown; slightly moist; dense; coarse sand; fine, subangular gravel.	
341	10							
			1-4	36				
336	15							
			1-5	37	CL		Gravelly Sandy CLAY: Dark reddish brown; moist; stiff; fine, subangular gravel; coarse sand.	
331	20							
			1-6	47	GC		Clayey GRAVEL: Dark reddish brown; wet; dense, fine, subangular gravel; coarse sand.	
326	25							
					GC		At 29 ft.: Borehole collapses after auger retraction.	
321	30							

C:\Users\Danepc\AppData\Local\Temp\borings_temp\mpfile.bgs[Soil Boring Field.tpl]

Project: New Horizons	Log of Boring Q-2 Sheet 1 of 1	Quantum Geotechnical, Inc. 1110 Burnett Ave., Ste. B, Concord, Ca 94520
Project Location: Hill Rd. and Barrett Ave., Morgan Hill		
Project Number: D020.G		

Date(s) Drilled 04-10-17	Logged By DT	Checked By SM
Drilling Method Solid Flight	Drill Bit Size/Type 4.5 in.	Total Depth of Borehole 12 ft.
Drill Rig Type Mobile B-24	Drilling Contractor Hillside Drilling	Approximate Surface Elevation 351 ft. amsl.
Groundwater Level and Date Measured None Encountered	Sampling Method(s) Modified California	Hammer Data Rope and Cathead
Borehole Backfill Soil	Location See Site Plan	

Elevation (feet)	Depth (feet)	Sample Type	Sample Number	Sampling Resistance, blows/ft	Material Type	Graphic Log	MATERIAL DESCRIPTION	REMARKS AND OTHER TESTS
351	0				CH		Fat CLAY: Dark greyish brown; moist; stiff (pp=2.5); trace fine, subrounded gravel.	
		2-1	20					
		2-2	43					
346	5				GC		Clayey GRAVEL: Reddish brown; slightly moist; coarse sand; fine, subangular gravel; dense.	
		2-3	73					
341	10							
							Bottom of Boring at 12 ft. No groundwater was encountered.	
336	15							
331	20							
326	25							
321	30							

C:\Users\Danepc\AppData\Local\Temp\borings_temp\mpfile.bgs[Soil Boring Field.tpl]

Project: New Horizons	Key to Log of Boring Sheet 1 of 1	Quantum Geotechnical, Inc. 1110 Burnett Ave., Ste. B, Concord, Ca 94520
Project Location: Hill Rd. and Barrett Ave., Morgan Hill		
Project Number: D020.G		

Elevation (feet)	Depth (feet)	Sample Type	Sample Number	Sampling Resistance, blows/ft	Material Type	Graphic Log	MATERIAL DESCRIPTION	REMARKS AND OTHER TESTS
1	2	3	4	5	6	7	8	9

COLUMN DESCRIPTIONS

- | | |
|---|---|
| 1 Elevation (feet): Elevation (MSL, feet). | 6 Material Type: Type of material encountered. |
| 2 Depth (feet): Depth in feet below the ground surface. | 7 Graphic Log: Graphic depiction of the subsurface material encountered. |
| 3 Sample Type: Type of soil sample collected at the depth interval shown. | 8 MATERIAL DESCRIPTION: Description of material encountered. May include consistency, moisture, color, and other descriptive text. |
| 4 Sample Number: Sample identification number. | 9 REMARKS AND OTHER TESTS: Comments and observations regarding drilling or sampling made by driller or field personnel. |
| 5 Sampling Resistance, blows/ft: Number of blows to advance driven sampler one foot (or distance shown) beyond seating interval using the hammer identified on the boring log. | |

FIELD AND LABORATORY TEST ABBREVIATIONS

CHEM: Chemical tests to assess corrosivity
 COMP: Compaction test
 CONS: One-dimensional consolidation test
 LL: Liquid Limit, percent

PI: Plasticity Index, percent
 SA: Sieve analysis (percent passing No. 200 Sieve)
 UC: Unconfined compressive strength test, Qu, in ksf
 WA: Wash sieve (percent passing No. 200 Sieve)

MATERIAL GRAPHIC SYMBOLS

 Fat CLAY, CLAY w/SAND, SANDY CLAY (CH)	 Lean CLAY, CLAY w/SAND, SANDY CLAY (CL)
	 Clayey GRAVEL (GC)

TYPICAL SAMPLER GRAPHIC SYMBOLS

 Auger sampler	 CME Sampler	 Pitcher Sample
 Bulk Sample	 Grab Sample	 2-inch-OD unlined split spoon (SPT)
 3-inch-OD California w/ brass rings	 2.5-inch-OD Modified California w/ brass liners	 Shelby Tube (Thin-walled, fixed head)

OTHER GRAPHIC SYMBOLS

- ▽ Water level (at time of drilling, ATD)
 —▽ Water level (after waiting)
 ↕ Minor change in material properties within a stratum
 — — Inferred/gradational contact between strata
 —?— Queried contact between strata

GENERAL NOTES

- Soil classifications are based on the Unified Soil Classification System. Descriptions and stratum lines are interpretive, and actual lithologic changes may be gradual. Field descriptions may have been modified to reflect results of lab tests.
- Descriptions on these logs apply only at the specific boring locations and at the time the borings were advanced. They are not warranted to be representative of subsurface conditions at other locations or times.

Figure B-1

LOGS OF TEST PITS

<u>Depth</u>	<u>USCS Soil Type</u>	<u>Soil Description</u>
TP-1		
0-3.5 ft:	SC-CL	<u>Sandy CLAY</u> : Dark greyish brown; dry to slightly moist; stiff.
3.5-11.5 ft:	GC	<u>Gravelly CLAY</u> : Orange brown; slightly moist; cobbles to fine gravel; coarse to medium sand.
TP-2		
0-2.5 ft:	ML	<u>SILT</u> : Moderate brown; slightly moist; medium stiff; trace fine, subrounded gravel.
2.5-15.5 ft:	GC	<u>Gravelly CLAY</u> : Orange to reddish brown; slightly moist; cobbles of weathered, rounded sandstone and siltstone; coarse to fine, subangular gravel; coarse to medium sand.
TP-3		
0-3.5 ft:	SC-CL	<u>Sandy CLAY</u> : Greyish brown; moist; stiff.
3.5-15.5 ft:	GC-SC	<u>Clayey SAND and GRAVEL</u> : Orange brown; moist; rounded cobbles; coarse to fine, subrounded gravel; coarse to medium sand.
TP-4		
0-4 ft:	CH	<u>Fat CLAY</u> : Greyish brown; moist; very stiff.
4-15 ft:	SC-CH	<u>Clayey SAND</u> : Orange brown; moist; fine, subrounded gravel; medium sand; stiff.
TP-5		
0-5 ft:	CH-CL	<u>Silty CLAY</u> : Greyish brown; slightly moist; stiff to very stiff.
5-12.5 ft:	SC	<u>Clayey SAND</u> : Orange brown; slightly moist; coarse, subrounded gravel; coarse to medium sand.
TP-6		
0-5 ft:	CH	<u>Fat CLAY</u> : Greyish brown; moist; stiff to very stiff.
5-12 ft:	SC	<u>Clayey SAND</u> : Orange brown; slightly moist; medium sand.
TP-7		
0-5 ft:	CH	<u>Fat CLAY</u> : Moderate to dark greyish brown; moist; stiff.
5-13 ft:	SC	<u>Clayey SAND</u> : Orange brown; slightly moist.
TP-8		
0-3 ft:	CH-CL	<u>Silty CLAY</u> : Moderate brown with mottled light brown, black and red; slightly moist; stiff.
3-5 ft:	MH	<u>Clayey SILT</u> : Tan brown; slightly moist; hard; fine sand and gravel.
5-13 ft:	SC-GC	<u>Clayey GRAVEL and SAND</u> : Orange brown; slightly moist; medium sand; cobbles to fine, subrounded gravel.
TP-9		
0-4.5 ft:	CH	<u>Fat CLAY</u> : Greyish brown; slightly moist; hard.
4.5-6.5 ft:	GC-SC	<u>Clayey GRAVEL and SAND</u> : Orange brown; slightly moist; medium sand; cobbles to fine, subrounded gravel.
TP-10		
0-4 ft:	MH-ML	<u>Clayey SILT</u> : Greyish to moderate brown; dry to slightly moist; hard.
4-13 ft:	GC-SC	<u>Clayey GRAVEL and SAND</u> : Orange brown; slightly moist; medium sand; cobbles to fine, subrounded gravel.

Appendix B

The Grading Specification

Guide Specifications for Rock Under Floor Slabs

THE GRADING SPECIFICATIONS
on
Proposed Residential Development
New Horizons
Corner of Hill Road
and Barrett Avenue
Morgan Hill, California

1. General Description

1.1 These specifications have been prepared for the grading and site development of the subject residential development. *Quantum Geotechnical Inc.*, hereinafter described as the Soil Engineer, should be consulted prior to any site work connected with site development to ensure compliance with these specifications.

1.2 The Soil Engineer should be notified at least two working days prior to any site clearing or grading operations on the property in order to observe the stripping of organically contaminated material and to coordinate the work with the grading contractor in the field.

1.3 This item shall consist of all clearing or grubbing, preparation of land to be filled, filling of the land, spreading, compaction and control of fill, and all subsidiary work necessary to complete the grading of the filled areas to conform with the lines, grades, and slopes as shown on the accepted plans. The Soil Engineer is not responsible for determining line, grade elevations, or slope gradients. The property owner, or his representative, shall designate the person or organizations who will be responsible for these items of work.

1.4 The contents of these specifications shall be integrated with the soil report of which they are a part, therefore, they shall not be used as a self-contained document.

2. Tests

The standard test used to define maximum densities of all compaction work shall be the ASTM D1557-12 Laboratory Test Procedure. All densities shall be expressed as a relative compaction in terms of the maximum dry density obtained in the laboratory by the foregoing standard procedure.

3. Clearing, Grubbing, and Preparing Areas To Be Filled

3.1 If encountered, all vegetable matter, trees, root systems, shrubs, debris, and organic topsoil shall be removed from all structural areas and areas to receive fill.

3.2 If encountered, any soil deemed soft or unsuitable by the Soil Engineer shall be removed. Any existing debris or excessively wet soils shall be excavated and removed as required by the Soil Engineer during grading.

3.3 All underground structures shall be removed from the site such as old foundations, abandoned pipe lines, septic tanks, and leach fields.

3.4 The final stripped excavation shall be approved by the Soil Engineer during construction and before further grading is started.

3.5 After the site has been cleared, stripped, excavated to the surface designated to receive fill, and scarified, it shall be disked or bladed until it is uniform and free from large clods. The native subgrade soils shall be moisture conditioned and compacted to the requirements as specified in the grading section of this report. Fill can then be placed to provide the desired finished grades. The contractor shall obtain the Soil Engineer's approval of subgrade compaction before any fill is placed.

4. Materials

4.1 All fill material shall be approved by the Soil Engineer. The material shall be a soil or soil-rock mixture which is free from organic matter or other deleterious substances. The fill material shall not contain rocks or lumps over 6 inches in greatest dimension and not more than 15% larger than 2-1/2 inches. Materials from the site below the stripping depth are suitable for use in fills provided the above requirements are met.

4.2 Materials existing on the site are suitable for use as compacted engineered fill after the removal of all debris and organic material. All fill soils shall be approved by the Soil Engineer in the field.

4.3 Should import material be required, it should be approved by the soil Engineer before it is brought to the site.

5. Placing, Spreading, and Compacting Fill Material

5.1 The fill materials shall be placed in uniform lifts of not more than 8 inches in uncompacted thickness. Each layer shall be spread evenly and shall be thoroughly blade mixed during the spreading to obtain uniformity of material in each layer. Before compaction begins, the fill shall be brought to a water content that will permit proper compaction by either (a) aerating the material if it is too wet, or (b) spraying the material with water if it is too dry.

5.2 After each layer has been placed, mixed, and spread evenly, either import material or native material shall be compacted to a relative compaction designated for engineered fill.

5.3 Compaction shall be by footed rollers or other types of acceptable compacting rollers. Rollers shall be of such design that they will be able to compact the fill to the specified density. Rolling shall be accomplished while the fill material is within the specified moisture content range. Rolling of each layer shall be continuous over its entire area and the roller shall make sufficient trips to ensure that the required density has been obtained. No ponding or jetting shall be permitted.

5.4 Field density tests shall be made in each compacted layer by the Soil Engineer in accordance with Laboratory Test Procedure ASTM D1556-15 or D6938-10. When footed rollers are used for compaction, the density tests shall be taken in the compacted material below the surface disturbed by the roller. When these tests indicate that the compaction requirements on any layer of fill, or portion thereof, has not been met, the particular layer, or portion thereof, shall be reworked until the compaction requirements have been met.

5.5 No soil shall be placed or compacted during periods of rain nor on ground which contains free water. Soil which has been soaked and wetted by rain or any other cause shall not be compacted until completely drained and until the moisture content is within the limits hereinbefore described or approved by the Soil Engineer. Approval by the Soil Engineer shall be obtained prior to continuing the grading operations.

6. Pavement

6.1 The proposed subgrade under pavement sections, native soil, and/or fill shall be compacted to a minimum relative compaction of 95% at 2% above optimum moisture content for a depth of 12 inches.

6.2 All aggregate base material placed subsequently should also be compacted to a minimum relative compaction of 95% based on the ASTM Test Procedure D1557-12. The construction of the pavement in the parking and traffic areas should conform to the requirements set forth by the latest Standard Specifications of the Department of Transportation of the State of California and/or City of Morgan Hill, Department of Public Works.

6.3 It is recommended that soils at the proposed subgrade level be tested for a pavement design after the preliminary grading is completed and the soils at the site design subgrade levels are known.

7. Utility Trench Backfill

7.1 The utility trenches extending under concrete slabs-on-grade shall be backfilled with native on-site soils or approved import materials and compacted to the requirements pertaining to the adjacent soil. No ponding or jetting will be permitted.

7.2 Utility trenches extending under all pavement areas shall be backfilled with native or approved import material and properly compacted to meet the requirements set forth by the City of Morgan Hill, Department of Public Works.*

7.3 Where any opening is made under or through the perimeter foundations for such items as utility lines and trenches, the openings must be resealed so that they are watertight to prevent the possible entrance of outside irrigation or rain water into the underneath portion of the structures.

8. Subsurface Line Removal

8.1 The methods of removal will be designated by the Soil Engineer in the field depending on the depth and location of the line. One of the following methods will be used.

8.2 Remove the pipe and fill and compact the soil in the trench according to the applicable portions of sections pertaining to compaction and utility backfill.

8.3 The pipe shall be crushed in the trench. The trench shall then be filled and compacted according to the applicable portions of Section 5.

8.4 Cap the ends of the line with concrete to prevent entrance of water. The length of the cap shall not be less than 5 feet. The concrete mix shall have a minimum shrinkage.

9. Unusual Conditions

9.1 In the event that any unusual conditions not covered by the special provisions are encountered during the grading operations, the Soil Engineer shall be immediately notified for additional recommendations.

10. General Requirements**Dust Control**

10.1 The contractor shall conduct all grading operations in such a manner as to preclude windblown dirt and dust and related damage to neighboring properties. The means of dust control shall be left to the discretion of the contractor and he shall assume liability for claims related to windblown material.

GUIDE SPECIFICATIONS FOR ROCK UNDER FLOOR SLABS

Definition

Graded gravel or crushed rock for use under slabs-on-grade shall consist of a minimum thickness of mineral aggregate placed in accordance with these specifications and in conformance with the dimensions shown on the plans. The minimum thickness is specified in the accompanying report.

Material

The mineral aggregate shall consist of broken stone, crushed or uncrushed gravel, quarry waste, or a combination thereof. The aggregate shall be free from deleterious substances. It shall be of such quality that the absorption of water in a saturated dry condition does not exceed 3% of the oven dry weight of the sample.

Gradation

The mineral aggregate shall be of such size that the percentage composition by dry weight, as determined by laboratory sieves (U.S. Sieves) will conform to the following gradation:

<u>Sieve Size</u>	<u>Percentage Passing</u>
¾"	90-100
No. 4	25-60
No. 8	18-45
No. 200	0-3

Placing

Subgrade, upon which gravel or crushed rock is to be placed, shall be prepared as outlined in the accompanying soil report.

Appendix C: Revised Drainage Report

MORGAN HILL DEVCO LLC

New Horizons

Santa Clara County, California

Schaaf & Wheeler Project No. MDHC.01.20:003

DRAINAGE REPORT

4/5/2024

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

Prepared by:



LAWRENCE D. JOHNSON, California RCE No. 84183 (Exp. 09/30/25)

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

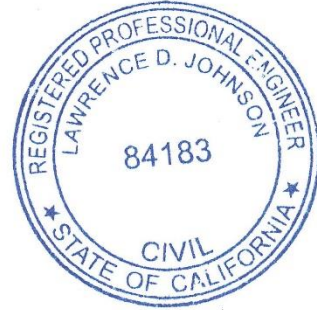


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ATTACHMENTS

Attachment No. 1: HEC-RAS Project Workmap
Attachment No. 2: Project Special Flood Hazard Mapping
Attachment No. 3: HEC-RAS Hydraulic Model (Digital)
Attachment No. 4: Log Linear Regression Supporting Calculations

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1 INTRODUCTION

This drainage report assesses the potential impact of the proposed New Horizons development on the peak tributary drainage discharge into Tennant Creek with hydrologic modeling. To meet both City and Valley Water peak runoff criteria the must demonstrate that post-project peak discharge into Tennant Creek does not exceed pre-project peak discharge for the 2-year, 10-year, 25-year, and 100-year return period events. Detention methods to off-set the increase in discharge generated by the development are proposed herein. This report also describes the estimation of the base flood (100-year) water surface elevation in the project vicinity and demonstrates that finish floor elevations will be outside of the 100-year Special Flood Hazard Zone.

1.1 PROJECT DESCRIPTION

New Horizons is a master planned community designated for single family residential use. It will be built on a 69-acre site that is currently an undeveloped parcel. Figure 1-1 provides a vicinity map of the project area located on the north side of Barrett Avenue, east of Hill Road in Morgan Hill, California. The site is adjacent to Tennant Creek, which drains to Corralitos Creek, Llagas Creek, the Pajaro River and ultimately Monterey Bay.

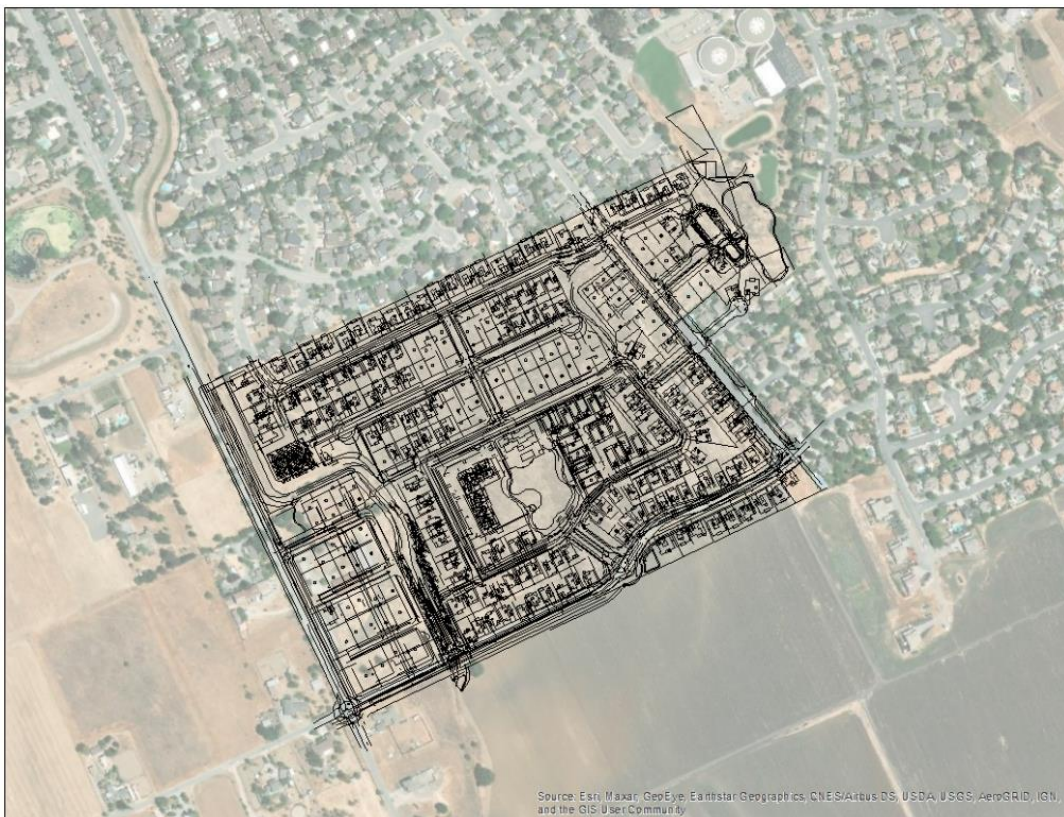


Figure 1-1: Project Site Location

The effective FEMA Flood Insurance Rate Map (FIRM) Number 06085C0463H dated May 18, 2009 shows the property lies almost entirely within an area of moderate flood hazard, Shaded Zone X, representing the 0.2 percent chance (500-year) annual flood. Tennant Creek's regulatory floodway and floodway fringe pass through the site along its western quarter, as shown in Figure 1-2.

Additionally, a Zone AO is shown onsite, stemming from a channel spill located at Fountain Oaks Drive.

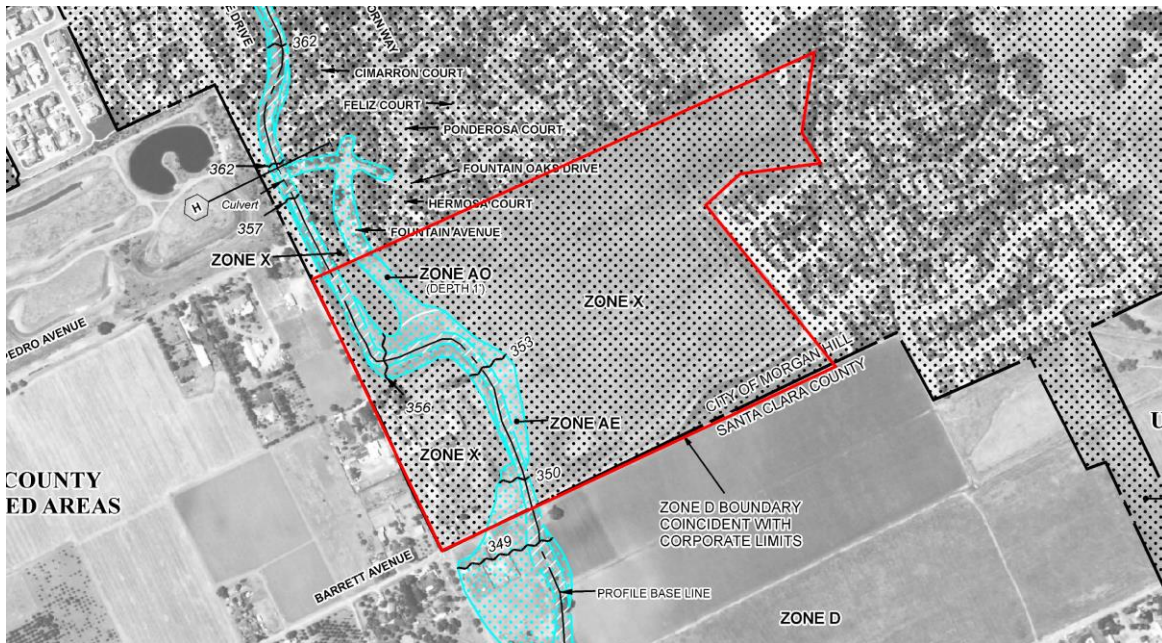


Figure 1-2: Flood Hazard Zones on Project Site

2 HYDROLOGIC ASSESSMENT

The City of Morgan Hill and Valley Water design standards require that post-development peak discharge into Tennant Creek does not exceed the pre-development peak discharge for the 2-year, 10-year, 25-year, and 100-year return period events. Pre-development is defined by the City's drainage guidelines as stormwater runoff conditions that exist onsite immediately before development occurs. To meet these requirements, a detention basin is proposed to store sufficient runoff upstream of the project area to ensure there is no increased discharge to Tennant Creek. For storage requirements larger than the space available for the detention basin upstream of the project area, on-site storage will be used.

The proposed detention basin will also need to accommodate the peak reduction provided by an existing retention basin on the project site which was originally designed and installed to mitigate peak flow runoff from the Tract 8481 development located to the east. Construction drawings for the retention basin and associated storm drain piping were provided by the City, dated February 5, 1993. Since the current retention basin and storm drain infrastructure is considered existing conditions, the project's proposed detention basin must consider its impacts to peak runoff into Tennant Creek when sizing the new detention basin. It is our understanding that the City may separately pursue confirmation of the retention basins original sizing and may opt to negotiate additional detention storage as part of the New Horizons development where practical. Confirmation of the existing retention basin design is not included in this report.

2.1 HYDROLOGIC MODELING

Hydrologic modeling is performed using HEC-HMS software, a computer model developed by the US Army Corps of Engineers. The methodology described herein, follows the guidance of the Santa Clara County Drainage Manual (2007). The model inputs are described below including the applied rainfall pattern and characterization of areas contributing runoff to the project site.

2.1.1 Rainfall Simulation (Design Storm)

A design storm is developed for the area draining to the site to estimate the distribution of rainfall depth for a specified storm duration resulting from the 2-year, 10-year, 25-year and 100-year return period events. Following the Santa Clara County Drainage Manual (SCCDM), a 24-hour storm duration is used, which is the standard for rainfall simulation. A simulated rainfall pattern is generated by multiplying the 24-hour total rainfall depth for the 2-year, 10-year, 25-year and 100-year return period events with the adopted 24-hour incremental rainfall pattern for Santa Clara County provided in fractions of total rainfall depth for 5-minute time periods.

The 24-hour rainfall depths are estimated using the Santa Clara Valley Water District's Return Period-Duration-Specific (TDS) Regional Equation for a given return period event. The TDS Regional Equation is provided below along with the equation inputs in Table 2-1:

$$x_{T,D} = A_{T,D} + B_{T,D}MAP$$

Where $x_{T,D}$ = precipitation depth for a specific return period and storm duration (inches)

T = return period (years)

D = storm duration (hours)

A,B = coefficients published in the County Drainage Manual

MAP = mean annual precipitation = 20 inches in Morgan Hill

The incremental rainfall pattern is provided in the SCCDM and is specific to the Mean Annual Precipitation (MAP) of 20-inches at the Project site. The MAP was estimated from the SCVWD's Mean Annual Precipitation Map San Francisco & Monterey Bay Region (1988). The pattern is based on a December 1955 rainfall event considered to be the storm of record for northern California. Parameters for calculating the precipitation depth for the return periods of interest are provided below in Table 2-1.

Table 2-1: 24-Hour Storm Total Precipitation

RETURN PERIOD	$A_{T,D}$	$B_{T,D}$	RAINFALL DEPTH (IN)
2-year	0.314185	0.096343	2.241
10-year	0.567017	0.162550	3.818
25-year	0.675008	0.195496	4.585
100-year	0.814046	0.243391	5.682

2.1.2 Subbasin Area and Existing Storm Drain Infrastructure.

The area draining to the project site is divided into several sub-basins as shown in Figure 2-1 for existing conditions and Figure 2-2 for post-project conditions. Delineation of the drainage areas was performed with topographic data from the National Elevation Dataset (NED).

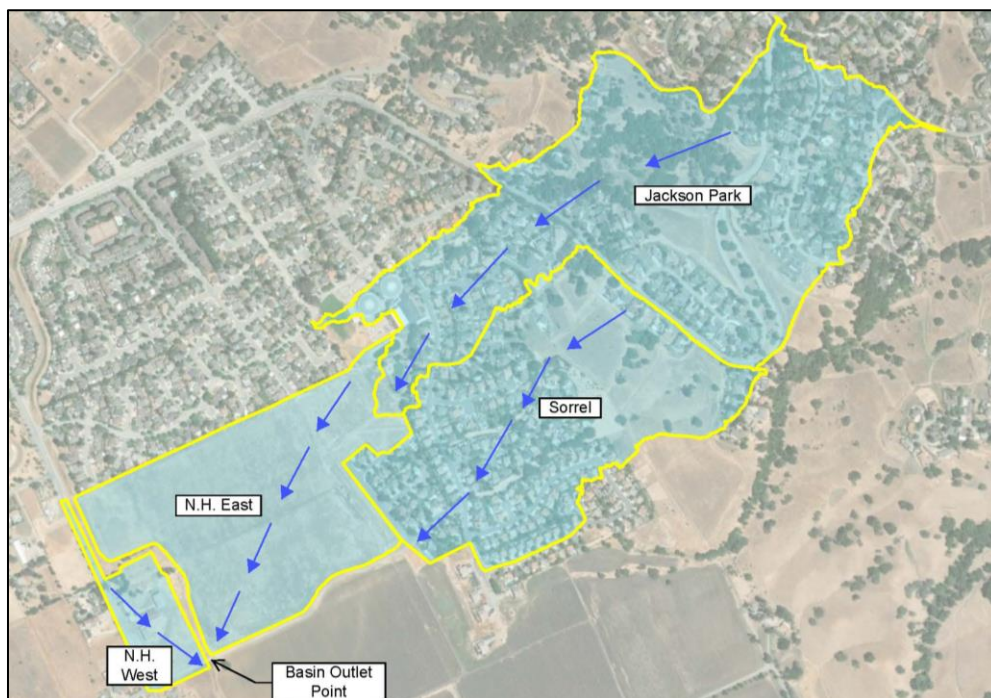


Figure 2-1: Existing Condition Drainage Areas

Additionally, Schaaf & Wheeler performed site visits to observe existing conditions regarding the storm drain infrastructure present within the upper watershed of Jackson Park. The existing retention basin and associated storm drain infrastructure within Sorrel Drive and Barrett Avenue was also incorporated into the existing conditions hydrology assessment using the City provided Tract 8481 construction drawings dated February 5, 1993. This generally consists of a 21-inch, 24-inch and 27-inch bypass which diverts flows from the Jackson Park subbasin prior to entering the 54-inch main in Barrett Avenue. The retention basin volume, invert elevations and outgoing 21-inch pipe were also included. Both the 60-inch storm drain in Barrett Avenue and the 21-inch retention outlet discharge into Tennant Creek at the defined Basin Outlet Point.

The sub-basins in the proposed project development site are outlined in red in Figure 2-2. The project proposes eliminating the retention basin and its associated storm drain piping. Additionally, a proposed detention basin would be located at the upstream end of DMA 1 with the intention of storing runoff from the Jackson Park subbasin to offset increases in runoff attributed to the project and to account for existing runoff that was previously retained as part of the Tract 8481 retention basin. It is important to note that both the existing retention basin and the proposed detention basin intend to store runoff from the same source basin being Jackson Park. Pumping of stormwater flows from the Sorrel subbasin is not anticipated for this project.

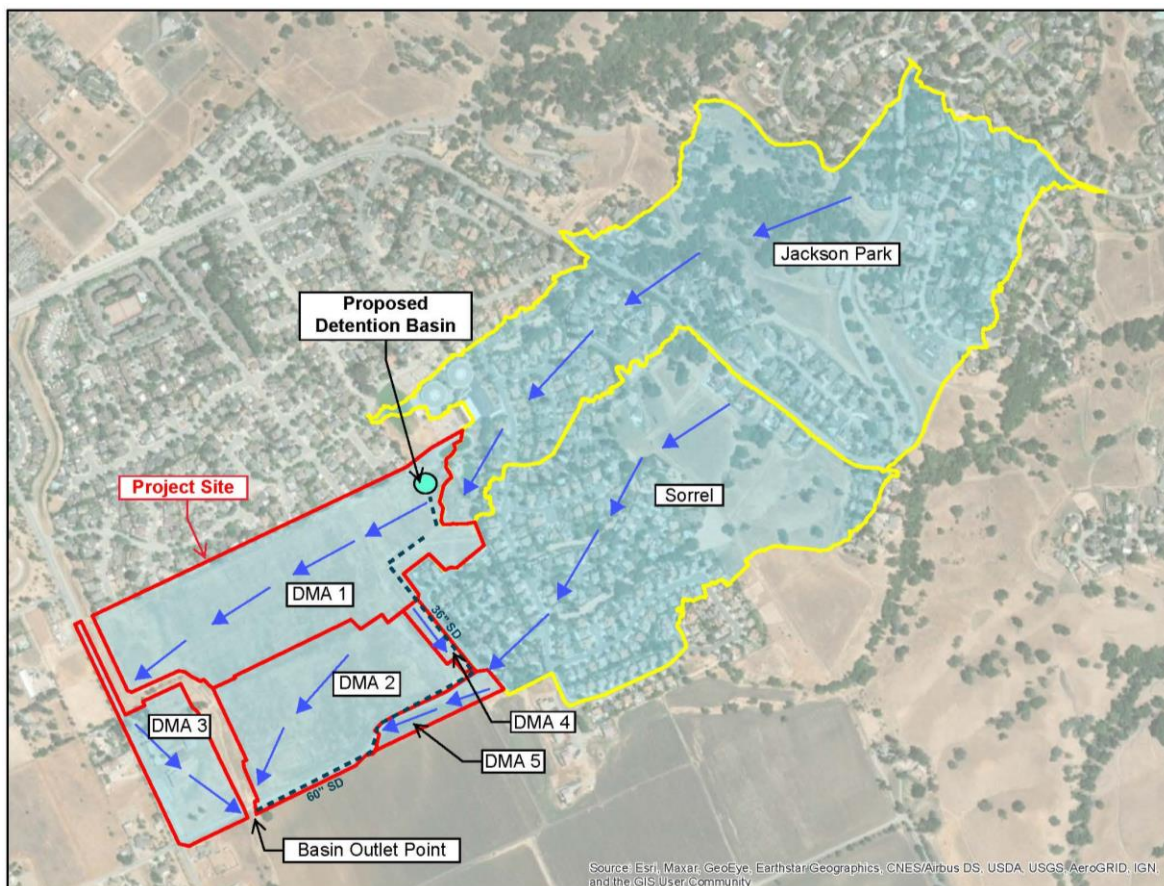


Figure 2-2: Post-Project Condition Drainage Areas

2.1.3 Watershed Parameters

For the unit hydrograph method, the following watershed parameters are used as inputs. Each parameter is briefly discussed below. Table 2-2 and 2-3 provide selected watershed parameters.

Table 2-2: Watershed Parameters for Existing Conditions

DRAINAGE AREA (FIGURE 2)	AREA (SQUARE MILES)	CN (AMC II)	CN (AMC II 1/4)	CN (AMC II 1/2)	IMPERVIOUS AREA (%)	BASIN LAG TIME (MIN)
Jackson Park	0.17	73	76.5	80	29	20.9
Sorrel	0.11	72	75.5	79	35	15.4
N.H. East	0.09	75	77.5	81	2	18.2
N.H. West	0.01	71	75.5	79	27	15.0
Total	3.8	-	-	-	-	-

Table 2-3: Watershed Parameters for Post-Project Conditions

DRAINAGE AREA (FIGURE 3)	AREA (SQUARE MILES)	CN (AMC II)	CN (AMC II 1/4)	CN (AMC II 1/2)	IMPERVIOUS AREA (%)	BASIN LAG TIME (MIN)
Jackson Park	0.17	73	76.5	80	29	20.9
Sorrel	0.11	72	75.5	79	35	15.4
DMA 1	0.049	71	75	79	52	19.0
DMA 2	0.033	71	75	79	56	12.0
DMA 3	0.01	71	75	79	58	10.0
DMA 4	0.00185	71	75	79	44	15.0
DMA 5	0.00404	71	75	79	47	8.0
Total	3.8	-	-	-	-	-

SCS Curve Number. The Curve Number (CN) characterizes a given soil and land cover to estimate potential losses from rainfall. These losses represent rainfall that is absorbed by tree cover and soils. CN for each drainage area is estimated from soil type taken from the National Resources Conservation Service (NRCS) and land use from the National Land Cover Database (2019). CN's vary based on antecedent moisture conditions (AMC) which represent prior soil saturation. The CN values used are from Appendix E of SCCDM. For this analysis, an AMC of II 1/2 is adopted for the 10-year, 25-year and 100-year return period event while an AMC of II ¼ is adopted for the 2-year return period as recommended in the SCCDM. The CN values used in the model are shown in Tables 2-2 and 2-3.

Percent Imperviousness. The percent imperviousness of each existing drainage area is estimated using the National Land Cover Database (2019) dataset. Recent aerial images from Google Earth are used as a visual verification. The vast majority of the drainage areas are undeveloped. Proposed percent impervious is estimated based on hardscape provided by RJA and the proposed site plan.

Basin Lag. The lag time is estimated for each drainage area to derive the SCS unit hydrograph. Lag time is a function of the drainage area length, slope, and roughness and represents the delay between the start of excess rainfall until the peak runoff at a drainage point. The SCS lag equation is provided below with input parameters for each drainage area given in Table 2-2 and Table 2-3:

$$t_{lag} = (0.862)24N \left(\frac{LL_c}{\sqrt{S}} \right)^{0.38} - \frac{D}{2}$$

Where t_{lag} = SCS basin lag (hours)

N = watershed roughness value (dimensionless)

L = longest flow path from catchment divide to outlet (miles)

L_c = length along flow path from a point perpendicular with the basin centroid to its outlet (miles)

S = effective slope along main watercourse (feet/mile)

D = duration of unit hydrograph (hours)

For small drainage areas (less than 0.05 square miles), lag time is calculated based on time of overland flow, conduit flow assuming velocity of 3 ft/sec, and initial overland flow collection (assumed to be 5 minutes). For urbanized area, initial overland flow is assumed to be ten minutes for a substantial drainage area, and five minutes if drainage area only includes street or parking lot sections.

2.1.4 Detention Basin

In the post-project condition, a detention basin is placed immediately downstream of Jackson Park. An inflow-diversion function is used to model an assumed orifice-controlled outlet for 2-year, 10-year, 25-year and 100-year return periods to offset the increase in discharge from the development project and to account for current peak runoff attenuation due to the existing retention basin. The inflow-diversion function that sets the amount of flow to be diverted downstream and the flow that is to be stored is optimized for each return period and is presented in the results (Table 2-7). Detailed detention basin orifice sizing/design shall be determined during detailed design.

2.1.5 On-Site Storage

In the post-project condition, on-site storage is alternatively evaluated for the 2-year storm because a detention basin large enough for the 2-year storm storage requirement is not feasible due to limited available space. As shown in Figure 2-3, the project site is divided into five drainage management areas (DMAs 1-5). In the hydrologic analysis, the storage capacity required in each DMA to offset the increase in discharge from the development project is determined and summarized in Table 2-8. An inflow-diversion function is used in each DMA to set the amount of flow to be diverted and the amount of flow to be stored.

2.2 MODEL RESULTS

The goal of this assessment is to determine whether a detention basin receiving runoff from Jackson Park can store adequate flow to offset the increase in discharge from the project development into Tennant Creek. The peak flow from Jackson Park must be greater than or equal to the increase in discharge attributed to the project in order to justify the placement of the detention basin downstream of Jackson Park. The peak flow results of each sub-basin are shown in Table 2-4 and Table 2-5.

Table 2-4: Existing Conditions Peak Runoff

SUB-BASIN	2-YEAR RETURN PERIOD PEAK FLOW (CFS)	10-YEAR RETURN PERIOD PEAK FLOW (CFS)	25-YEAR RETURN PERIOD PEAK FLOW (CFS)	100-YEAR RETURN PERIOD PEAK FLOW (CFS)
Jackson Park	20.6	56.1	73.7	100.1
Sorrel	16.9	43.1	56.2	75.8
N.H. East	4.7	24.4	34.2	49.1
N.H. West	1.3	3.6	4.8	6.6

Table 2-5: Post-Project Conditions Peak Runoff

SUB-BASIN	2-YEAR RETURN PERIOD PEAK FLOW (CFS)	10-YEAR RETURN PERIOD PEAK FLOW (CFS)	25-YEAR RETURN PERIOD PEAK FLOW (CFS)	100-YEAR RETURN PERIOD PEAK FLOW (CFS)
Jackson Park	20.6	56.1	73.7	100.1
Sorrel	16.9	43.1	56.2	75.8
DMA 1	9.6	21.4	26.9	34.9
DMA 2	8.6	17.9	22.5	29.3
DMA 3	2.4	5.0	6.2	8.1
DMA 4	0.5	1.1	1.4	1.9
DMA 5	1.0	2.2	2.8	3.7

Table 2-6: Detention Basin Feasibility

RETURN PERIOD	FLOW INCREASE ON PROJECT SITE (CFS)	JACKSON PARK PEAK FLOW (CFS)	CAN DETENTION OF JACKSON PARK OFFSET FLOW INCREASE?
2-year	16.1	20.6	YES
10-year	19.6	56.1	YES
25-year	20.8	73.7	YES
100-year	22.2	100.1	YES

Table 2-6 illustrates the increase in flow generated by the development for the 2-year, 10-year, 25-year and 100-year return periods. For each return period, the Jackson Park subbasin has a peak flow greater than the increase in flow generated by the development. Therefore, it is possible to place a detention

basin immediately downstream of Jackson Park to mitigate the net impact generated by the development.

Table 2-7 shows the optimized diversion and storage requirements for the detention basin downstream of Jackson Park to ensure that the post-project discharge to Tennant Creek does not exceed existing conditions. With the optimized parameters in Table 2-7, the peak discharge at the post-project outlet (Tennant Creek at Barrett Avenue) is shown to be under the existing conditions discharge at the same location for each return period.

Table 2-7: Off-Site Detention Basin Storage Downstream of Jackson Park Requirements

RETURN PERIOD	FLOW SENT TO DETENTION BASIN (CFS)	DETENTION STORAGE REQ. (AC-FT)	EXISTING CONDITION OUTLET POINT PEAK FLOW (CFS)	POST-PROJECT CONDITION OUTLET POINT PEAK FLOW (CFS)	IS PEAK RUNOFF LIMITED TO PRE-PROJECT CONDITIONS?
2-year	13.6	1.4	40.9	40.8	YES
10-year	21.1	0.8	115.2	114.5	YES
25-year	36.7	1.9	141.2	141.1	YES
100-year	58.6	3.4	180.7	180.5	YES

Based on table 2-7 shown above, it is recommended that the Jackson Park Detention Basin be sized to provide at least 3.4 acre-feet of storage. Additional sizing and freeboard criteria may also be required per the City of Morgan Hill's standard specifications.

3 EVALUATION OF FLOOD HAZARDS

The New Horizons site is located in a FEMA special flood hazard area Zone AE with defined base flood elevations per the effective FIS panel 06085C0463H (effective as of 5/18/2009). Potential impacts from project improvements are assessed using information and hydraulic models first completed for the Santa Clara Valley Water District as part of the Upper Llagas Creek Flood Protection Project submitted to FEMA as part of the project's CLOMR. These models utilize updated hydrology provided by the Army Corps of Engineers. Due to recent suspension of CLOMR-F/LOMR-F applications by FEMA, the project will be required to submit a CLOMR/LOMR based on new hydrology/hydraulics. The CLOMR/LOMR submission will re-establish floodway limits, demonstrate changes to channel BFE's based on new hydrology and project components including channel grading and culvert improvements at Barrett Avenue. The CLOMR/LOMR modeling will also demonstrate tie-in with the effective HEC-2 modeling at both upstream and downstream ends of the project.

3.1 RELEVANT SECTIONS OF CITY FLOOD ORDINANCE

City of Morgan Hill Municipal Ordinance 15.80.160 applies to projects constructed within Morgan Hill. This ordinance was enacted to reflect updates to floodplain management policies affecting real property located in designated flood hazard areas of the city.

3.1.1 Floodways

Per Ordinance Section 15.80.200 "until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Morgan Hill." Since Tennant Creek has a defined regulatory floodway, and that floodway can be adjusted to coincide with its current bank locations, this section of the ordinance does not apply. Improvements within project limits would not increase the water surface elevation of the base flood at any point within or outside of the City of Morgan Hill beyond what is allowed by the ordinance.

3.2 HYDRAULIC MODELING

The approach for hydraulic modeling of the New Horizon's development includes submission of a CLOMR/LOMR based on updated hydrology, a revised floodway and channel/culvert improvements at Barrett Avenue. Three models are used to demonstrate tie-in at the project limits of study along with impacts to SFHA's or BFE's within the channel. These three models include:

Duplicate Effective Model: A copy of the model used in the effective FIS Study. The original FIS model is in HEC-2 format was imported into HEC-RAS as part of this study. This model is provided to demonstrate Pre Project and Post Project model tie-in upstream and downstream of the revised reach.

Pre Project (Existing) Conditions Model: The duplicate effective model is then modified to include any physical modifications to the floodplain that have occurred since the creation of the effective model. This includes:

- Existing twin 36-inch CMP Culverts within the project site
- Existing Three (3) 30-inch RCP Culverts located at Barrett Avenue

Additionally, the Pre Project Conditions Model also incorporates current hydrology provided by the Army Corps of Engineers as part of the Upper Llagas Flood Protection project. This pre-project conditions model was submitted and reviewed by FEMA as part of the Upper Llagas CLOMR submission.

Post Project Conditions Model: The pre project conditions model is modified to reflect the post project conditions. This includes physical changes to the floodplain, channel grading and culvert improvements along Barrett Avenue.

3.2.1 Duplicate Effective Model

The U.S. Army Corps of Engineers (USACE) Hydrologic Engineering Center's River Analysis System (HEC-RAS) computer program supersedes it's HEC-2 DOS based program. The effective HEC-2 model (5021002.DAT) was used to develop the duplicate effective model in HEC-RAS. The HEC-2 effective model for Tennant Creek was obtained from the Santa Clara Valley Water District's website:

<https://www.valleywater.org/flooding-safety/hec-2-and-hec-ras-data-library>

The Duplicate effective model was recreated in HEC-RAS for the reach near the proposed project. This includes recreating ineffective flow areas at the applicable cross sections. The model ties into the effective FIS profile at the upstream and downstream of the project area within +/- 0.5 foot meeting FEMA tie-in criteria, see profile panel 135P (February 19, 2014) of the effective FIS.

Small differences between the duplicative effective HEC-RAS model and the effective HEC-2 model are due to the fact that HEC-RAS applies improved and more modern computational procedures that were not available when HEC-2 was developed. These changes between HEC-2 and HEC-RAS include computational differences in conveyance, bridge and culvert hydraulics, critical depth, and calculation tolerances. These computational differences will create small differences in the model results.

Table 3-1: 100-Year Water Surface Elevation Comparison (NAVD 88)

RIVER STATION	HEC-2 EFFECTIVE MODEL WSE (FT)	DUPLICATE EFFECTIVE HEC_RAS WSE (FT)	DIFFERENCE (FT)
East Dunne Avenue			
546	364.06	364.07	-0.01
544	363.50	363.51	-0.01
542	361.85	361.84	0.01
540	361.76	361.75	0.01
538	361.70	361.68	0.02
536	361.66	361.64	0.02
534	357.21	357.20	0.01
Fountain Oaks Drive			
532	357.65	357.65	0.00
530	356.99	356.97	0.02
528	355.82	355.83	-0.01

RIVER STATION	HEC-2 EFFECTIVE MODEL WSE (FT)	DUPLICATE EFFECTIVE HEC_RAS WSE (FT)	DIFFERENCE (FT)
526	354.30	354.27	0.03
524	352.95	353.01	-0.06
522	350.11	349.97	0.14
520	347.38	347.16	0.22
518	343.14	343.15	0.25
516	341.68	341.43	0.29
514	340.99	340.70	-0.22
Tennant Avenue (Data continues to Confluence with East Little Llagas)			

3.2.2 Pre-Project Conditions Model

Modifications to the duplicate effective model were then made to the channel geometry to reflect pre-project existing conditions. Modifications made include:

- Twin 36-inch CMU culverts within the project area, between Fountain Oaks Dr. and Barrett Ave.



Figure 3-1: Existing Twin 36-inch CMP Culverts on the Project Site

- Three (3) 30-inch RCP culverts at the Barrett Avenue Crossing. Based on Tract 8481 records dating back to 1993 and site visit confirmation.

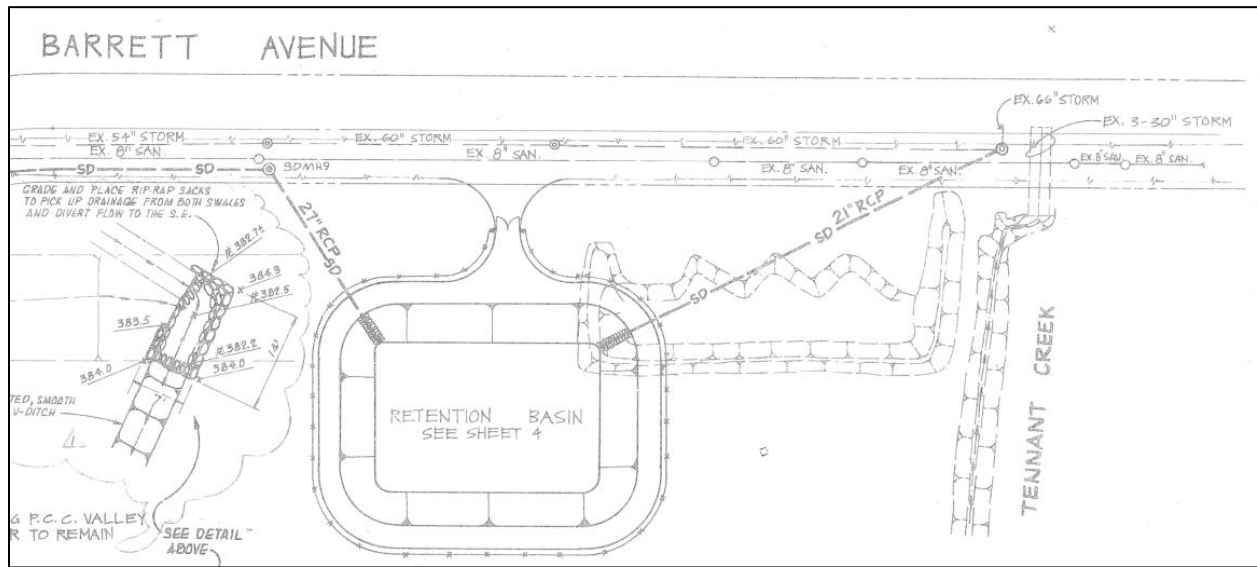


Figure 3-2: Existing 30-inch RCP Culverts at Barrett Avenue

To precisely capture incremental changes within Tennant Creek and the overbank in the project area, additional cross sections were interpolated throughout the project site using the duplicate effective model as a starting point. Channel and overbank elevations were interpolated using a combination of recent site topography and the 2006 Santa Clara County LiDAR (NAVD 88 vertical datum).

Lastly, the Army Corps of Engineers hydrology was used being the best available information. This hydrology was submitted and reviewed by FEMA as part of the Upper Llagas CLOMR submission. Peak flow comparisons show that the Corps hydrology generally yields estimates peak discharge values higher than the effective FEMA FIS within the project study area and is therefore conservative.

Table 3-2: FEMA FIS Vs ACOE 100 Year Peak Flow Rates in Tennant Creek

LOCATION	DRAINAGE POINT (FROM CORPS REPORT)	FEMA FIS 100-YR PEAK DISCHARGE CFS	ARMY CORPS 100-YR PEAK DISCHARGE CFS
1,250 feet upstream of Hill Avenue	7A	420	500
Downstream of Maple Avenue	7	650	890
Upstream of Confluence with East Little Llagas Creek	9	2015	1827

Due to the delineation of the drainage areas, the reach from East Dunne Avenue to the north end of the project site are locations where both the Corps and FEMA peak discharges were determined to be overly conservative. In this case, applying the peak flow at drainage point 7A to the top of the channel reach results in a spill occurring at Fountain Oaks Drive. To mitigate this issue, the Corps developed drainage area at 7A was subdivided to create a new drainage point 7A1 at East Dunne Avenue. Subdividing the peak flow rate was performed using log-linear regression and the peak discharge power law.

$$Q = \alpha A^{\theta}$$

Where:

Q = the peak discharge

α = coefficient determined from log-linear regression

A = the drainage area

Θ = coefficient determined from log-linear regression

The resulting 100-year peak discharge at East Dunne Avenue is approximately 270 cfs. This is followed by a peak discharge change in HEC-RAS at location 7A to approximately 500 cfs. This modification results in no channel spill shown at Fountain Oaks Drive. Supporting calculations for the log-linear regression are included in Attachment 4 for reference.

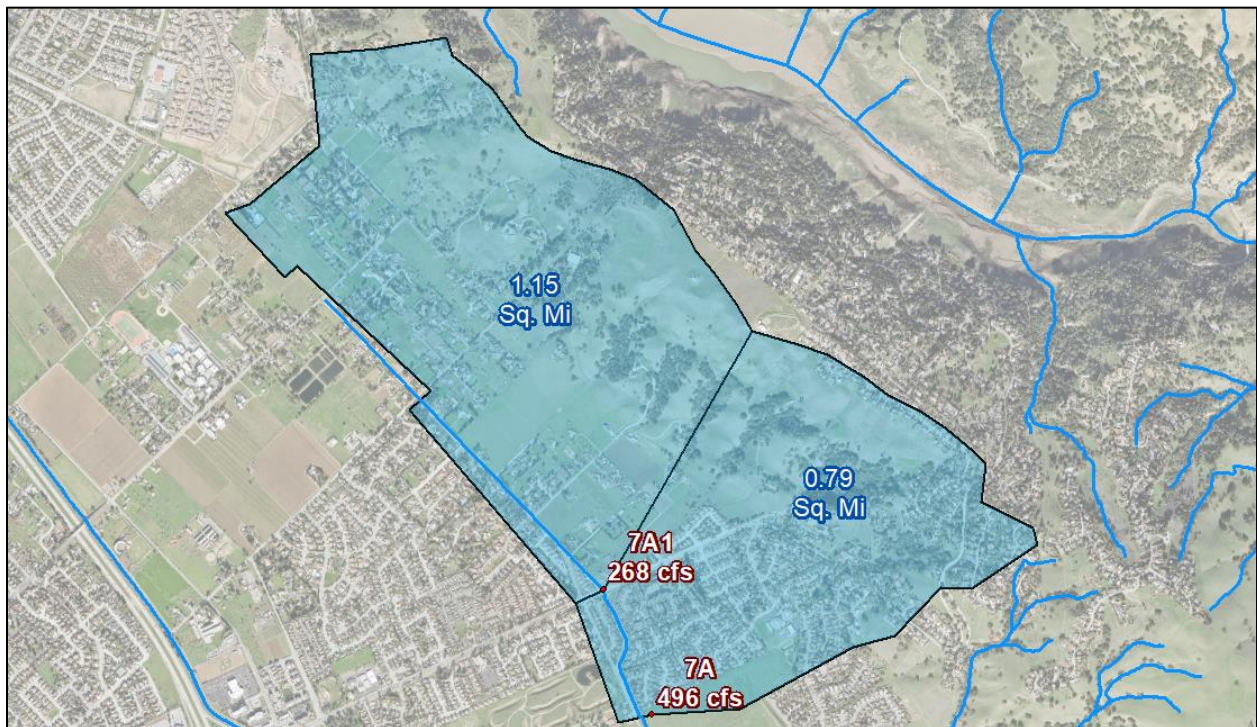


Figure 3-3: Log Linear Regression Drainage Area Modification

This summarizes the Pre-Project Conditions Model and provides a basis for comparison with project's proposed changes. The Pre-Project Conditions Model is shown to tie-in with the duplicate effective model within the defined MT-2 FEMA tolerance of 0.5 feet per 44 CFR 65.6(a)(2) and as described in the Guidance for Flood Risk Analysis and Mapping. Table 3-3 below shows the tie-in cross sections and a comparison of pre-project WSE's with the duplicate effective WSE's.

Table 3-3: 100-Year Water Surface Elevation Comparison (NAVD 88)

RIVER STATION	DUPLICATE EFFECTIVE WSE (FT)	PRE PROJECT CONDITIONS WSE (FT)	DIFFERENCE (FT)	MEETS FEMA CRITERIA
546	364.07	364.23	0.16	YES
518	343.15	343.48	0.33	YES

3.2.3 Post-Project Conditions Model

The pre-project conditions model was then further modified to determine the hydraulic impacts imparted by the proposed project. The pre-project conditions model was modified by adding obstructions for the left and right overbank where proposed grading will raise the site to remove the overbank from the floodplain. This model also includes a proposed pedestrian bridge which crosses Tennant Creek on the northwest end of the development. It is assumed that the proposed pedestrian bridge low chord will be set above the 100-year water surface level, thereby causing no hydraulic impact to the channel water surface profile. Lastly, culvert improvements are proposed along with channel grading at Barrett Avenue.

3.2.4 Project Impacts Comparison

Based on the assumptions identified above, the corrected effective WSE's can be compared to the proposed condition WSE's to determine the estimated impacts to the 100-year WSE's along Tennant Creek. Table 3-1 summarizes these differences below.

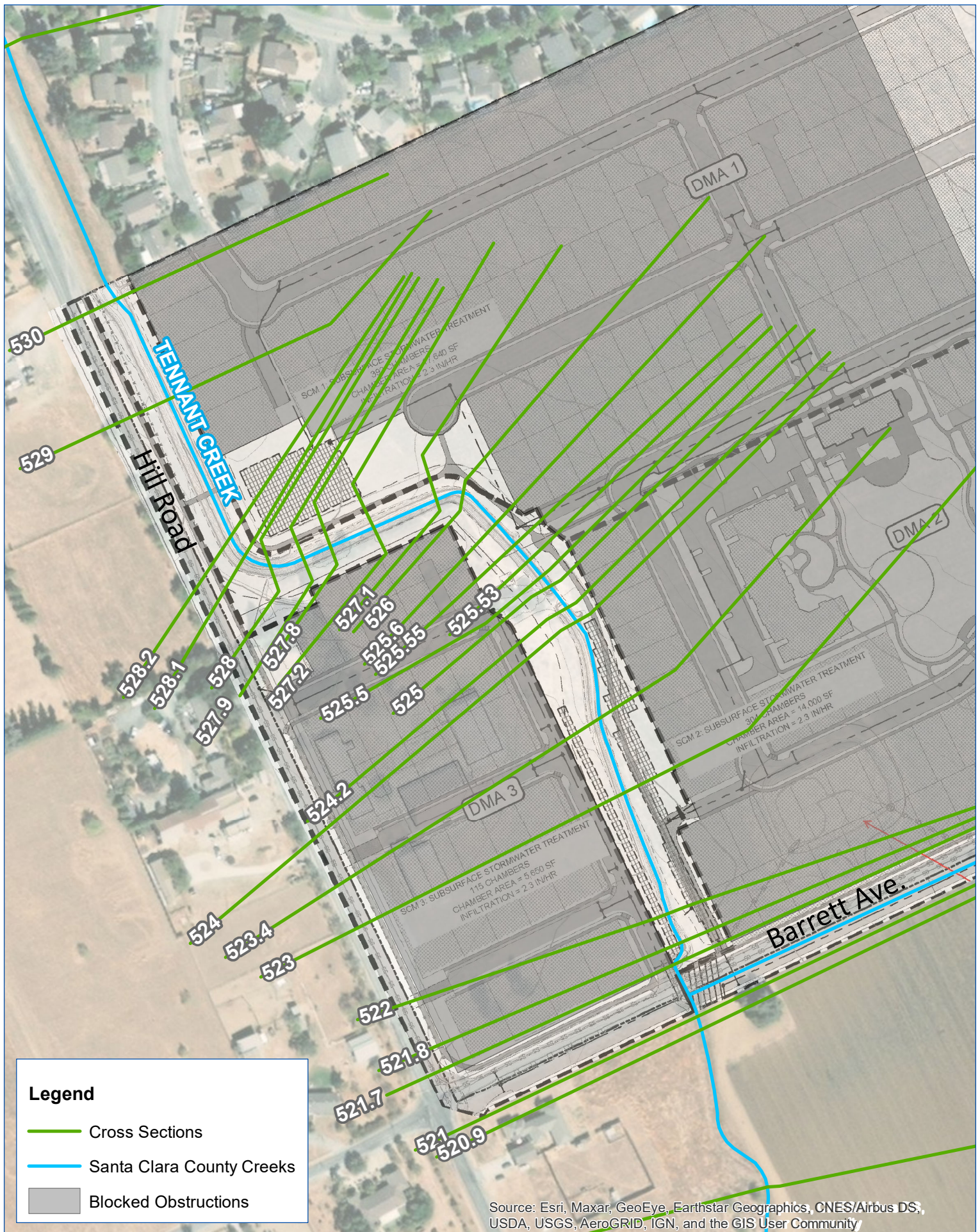
Table 3-4: 100-Year Water Surface Elevation Comparison (NAVD 88)

RIVER STATION	PRE-PROJECT CONDITIONS WSE (FT)	POST PROJECT CONDITIONS WSE (FT)	DIFFERENCE (FT)
546	364.23	364.23	0.00
544	362.55	362.55	0.00
542	360.76	360.75	-0.01
540	360.74	360.72	-0.02
538	360.7	360.69	-0.01
536	360.7	360.69	-0.01
Fountain Oaks Drive			
532	356.61	356.56	-0.05
530	355	355.22	0.22
529	354.49	354.84	0.35
Pedestrian Bridge			
528.2	354.31	354.29	-0.02
528.1	354.14	354.12	-0.02
528	353.79	353.76	-0.03
527.9	353.7	353.67	-0.03

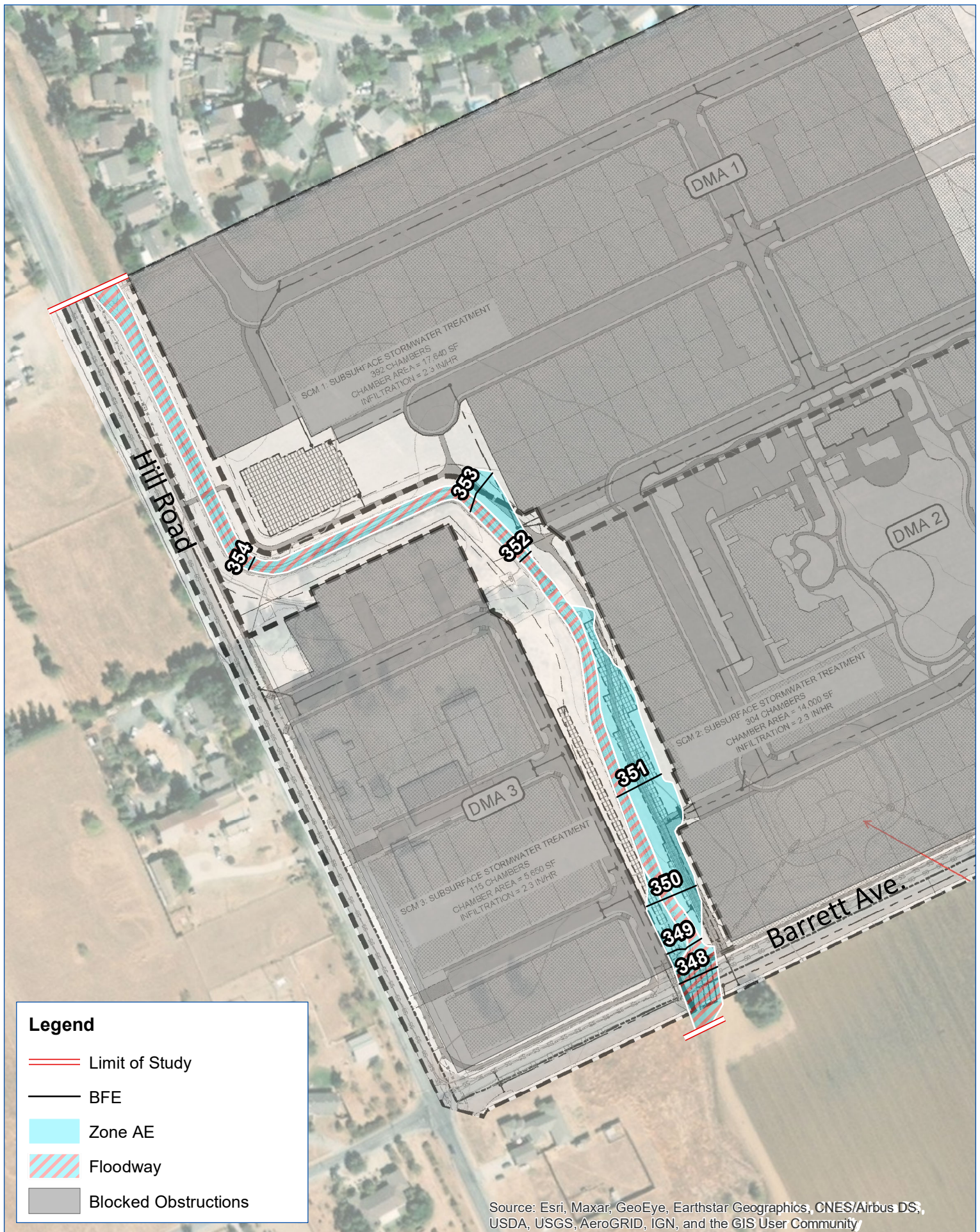
RIVER STATION	PRE-PROJECT CONDITIONS WSE (FT)	POST PROJECT CONDITIONS WSE (FT)	DIFFERENCE (FT)
527.8	353.58	353.54	-0.04
527.2	353.41	353.36	-0.05
527.1	353.18	353.09	-0.09
526	353.16	353.03	-0.13
525.6	353.18	352.92	-0.26
525.55	353.15	352.59	-0.56
525.53	353.09	351.81	-1.28
525.5	353.01	351.39	-1.62
525	353.01	351.57	-1.44
524.2	350.67	351.32	0.65
524	350.99	351.40	0.41
523.4	350.68	351.19	0.51
523	350.16	351.01	0.85
522	349.87	349.87	0.00
521.8	349.48	349.24	-0.24
521.7	349.92	348.41	-0.51
Barrett Avenue			
521	347.46	347.24	-0.22
520.9	347.52	347.24	-0.28
520	346.4	346.4	0.00
518	343.48	343.48	0.00

Water surface elevations are shown to tie-in to the corrected effective profile on both the upstream and downstream sides of the project. Based on the above analysis, the New Horizon's project shows no significant impact to 100-year water surface elevations outside of the project limits along Tennant Creek. Finish floor elevations can be set using the proposed water surface elevations summarized in Table 3-4.

ATTACHMENT NO. 1: HEC-RAS PROJECT WORKMAP



ATTACHMENT NO. 2: PROJECT SPECIAL FLOOD HAZARD MAPPING



ATTACHMENT NO. 3: HEC-RAS MODEL (DIGITAL)

ATTACHMENT NO. 4: LOG-LINEAR REGRESSION SUPPORTING CALCULATIONS

ATTACHMENT 4: LOG LINEAR REGRESSION CALCULATIONS

Tennant Creek Intermediate Discharge Estimates

Location	USACE CP	Drainage					log A	log q10	log q1
		Area (mi ²)	10-year (cfs)	q10 (cfs/mi ²)	100-year (cfs)	q1 (cfs/mi ²)			
Unnamed Creek	7A	1.98	292	147	496	251	0.296665	2.168718	2.398816
Foothill Creek Confl	7	3.30	499	151	886	268	0.518514	2.179587	2.42892

$$q=aA^n$$

n10=	0.048993	n1=	0.135693
loga10=	2.154183	loga1=	2.358561
a10=	142.6209	a1=	228.329

check		check	
A	1.98	A	3.3
q	147.4747	q	268.4848
Q	292	Q	886

Location	USACE CP	Drainage				
		Area (mi ²)	q10 (cfs/mi ²)	10-year (cfs)	q1 (cfs/mi ²)	100-year (cfs)
E Dunne Avenue	7A1	1.15	144	165	233	268
Unnamed Tributary	7A	1.98	147	292	251	496
Foothill Creek	7	3.30	151	499	268	886

Appendix D: Evaporation Estimates Memo



Memorandum

March 8, 2022

Project # 4046-01

To: Rocke Garcia, Morgan Hill Devco LLC

From: Steve Rottenborn

Subject: New Horizons Development Project – Evaporation Estimates

Per your request, H. T. Harvey & Associates has assessed potential evaporation rates from a 0.5-acre lake proposed on the New Horizons development project to assist in coordination with the City of Morgan Hill regarding potential evaporation from the lake versus evaporation from a similar area of landscaped turf. As you know, H. T. Harvey & Associates does not have expertise in hydrology, so our estimates should be considered rough. However, we are providing you the information derived from our research into this issue.

Estimates of Evaporation from the Lake

The California Irrigation Management Information System (CIMIS) provides a map that depicts zones of average evapotranspiration rates in California¹. According to this map (Figure 1), Morgan Hill is in a zone where evapotranspiration averages 49.4 inches/year (or 4.12 feet/year). For a 0.5-acre lake, that equates to 2.06 acre-feet/year.

To provide a second estimate, we reviewed pan evaporation rates provided by the Western Regional Climate Center². That source provides pan evaporation rates for a number of locations in the western U.S.; the closest locations for which data are provided are Newark and San Luis Dam. Average annual evaporation rates from Newark and San Luis Dam are 62.30 and 105.84 inches, respectively. Because pan evaporation rates tend to be higher than evaporation from a lake, the Western Regional Climate Center recommends multiplying pan evaporation rates by 0.7 or 0.8 “to more closely estimate the evaporation from naturally existing surfaces such as a shallow lake”. The adjusted evaporation rates for Newark and San Luis Dam are 46.73 and 79.38 inches, or 3.89 and 6.62 feet, respectively. Applying these rates to a 0.5-acre lake would result in annual evaporation rates of 1.95 to 3.31 acre-feet/year. We would expect evaporation in Morgan Hill to be higher than that in Newark, which is cooler and more moist than Morgan Hill, and lower than at San Luis Dam, which is warmer and drier. Therefore, evaporation from a 0.5-acre lake on the New Horizons project site should be between 1.95 and 3.31 acre-feet/year.

As we were researching this issue, we contacted a hydrology firm for assistance on where we could find evaporation data. They were unable to point us to a data source specifically for Morgan Hill, but they indicated

¹ https://cimis.water.ca.gov/App_Themes/images/etozonemap.jpg

² https://wrcc.dri.edu/Climate/comp_table_show.php?type=pan_evap_avg

that on a previous project, they had estimated evaporation from a lake in Lake County to be 1.23 to 1.43 acre-feet/year.

Estimates of Evaporation from a Turf Lawn

We understand that the City of Morgan Hill has asked for a comparison of evaporation expected from the lake and that from landscaping. Following is an estimate of evapotranspiration from a turf lawn, if installed in place of the proposed lake, provided by our landscape architect staff:

Morgan Hill's annual evapotranspiration rate, ETo = approximately 49.4 inches/year (based on CIMIS data)

The crop coefficient (Kc) for cool season turf = 0.8

Evapotranspiration Adjustment Factor ($ETAF$) = Plant Factor (0.8 for high water use/ Kc) / Irrigation Efficiency (0.75 for spray) = 1.07

Estimated total water use with a spray system = $Eto \times 0.62 \times ETAF \times Area$ (SF)
= $49.4 \times 0.62 \times 1.07 \times 21,780$
= 713,773 gallons/year = 2.19 acre-feet/year

Conclusions

The best estimate of evaporation from a 0.5-acre lake in Morgan Hill, based on CIMIS data, is approximately 2.06 acre-feet/year. Our estimate of evapotranspiration from a 0.5-acre, irrigated turf lawn is approximately 2.19 acre-feet/year. Therefore, water use for the lake is not expected to be substantially different from (and most importantly, not substantially higher than) an equivalent area of irrigated turf.

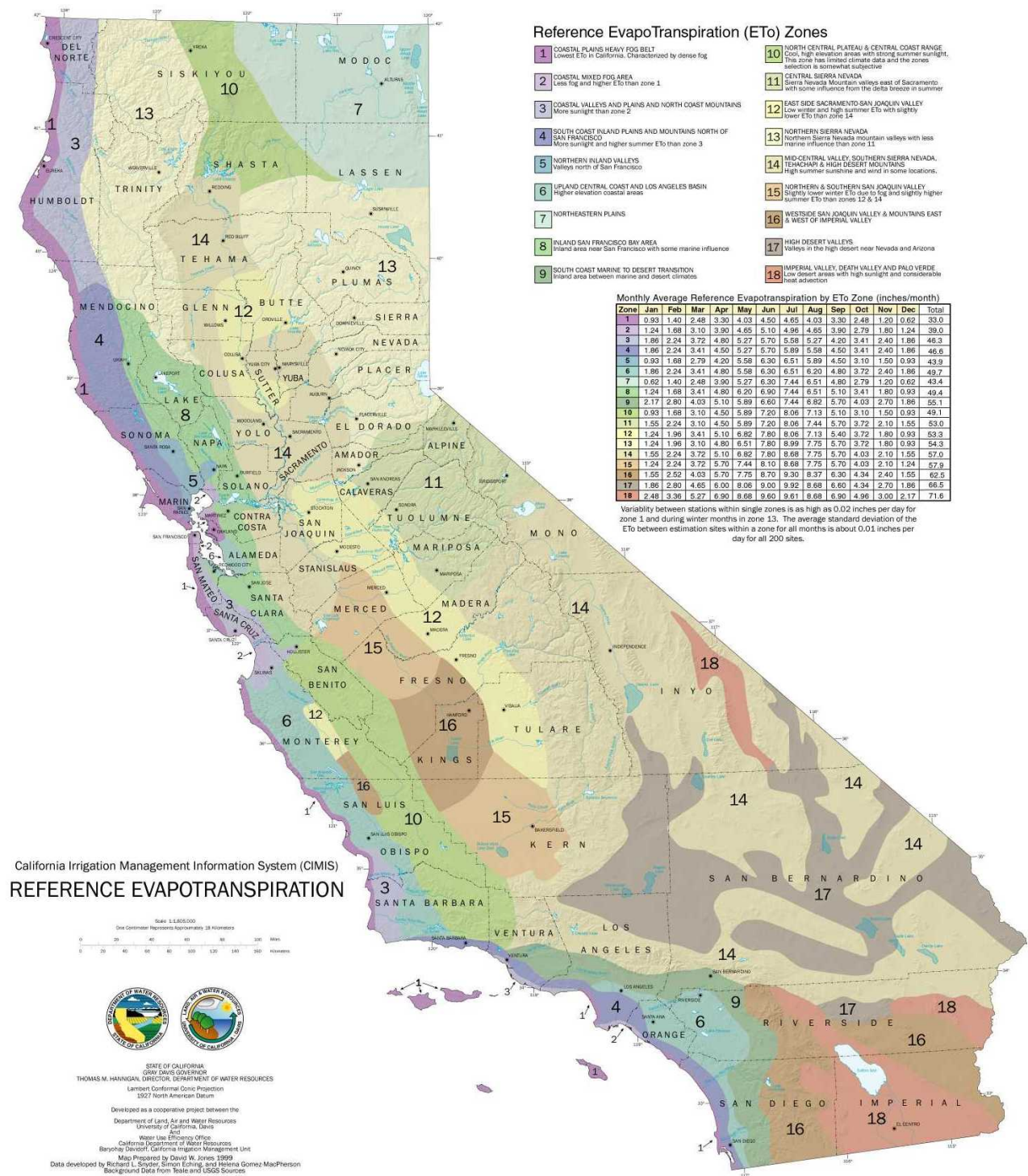


Figure 1. Evapotranspiration zones in California (source: California Irrigation Management Information System; https://cimis.water.ca.gov/App_Themes/images/etozonemap.jpg)

Appendix E: Schaaf & Wheeler, Inc. Technical Responses to Valley Water

FEIR APPENDIX E

Comment C.21: Section 4.10.1.2, Existing On-Site Drainage

This section does not appear to accurately describe the existing storm drain system installed as part of Tract 8481, which includes the Project site. Valley Water records for the Tract 8481 improvements show the 36-inch storm drain reduces to a 21-inch pipe, which then increases in size to a 24-inch and finally a 27-inch pipe, which discharges into the retention basin. The retention basin was designed to mitigate increased runoff from Tract 8481 improvements for a range of storm events up to a 100-year storm. The outlet is a 21-inch pipe which connects to a 60-inch storm drain, which subsequently discharges into Tennant Creek, downstream of Barrett Avenue.

Response C.21: The referenced 21-, 24-, and 27-inch storm drain pipes and associated retention basin have been incorporated into Schaaf & Wheeler's hydrologic modeling to account for attenuation and flow routing of the existing infrastructure along with any peak flow retention benefits provided by the existing retention basin. The Drainage Report has been updated to account for this under existing conditions. The revised Drainage Report is attached to this Final EIR as Appendix C, and replaces Appendix H in the Draft EIR.

Comment C.26: Section 4.10.2.1, Impact 'c,' Drainage (141)

- a. To mitigate for increased runoff from the Project, the EIR cites Schaaf and Wheeler's (S&W) preliminary drainage report (Appendix H), which recommends construction of a detention pond at *"...Jackson Park, located adjacent to the northeast side of the site, to reduce post-project peak discharge to pre-project conditions to Tennant Creek under a 25-year storm event...Offsite runoff coming from tributary residential and open space areas would be rerouted through the detention basin, relocated at Jackson Park, to account for the increase in impervious area."* As noted in Comment 7, the existing detention basin was constructed to mitigate for increased runoff from Tract 8481. Furthermore, it was designed to ensure additional runoff from Tract 8481 – which includes the Project site as undeveloped Lots 20, 21, and 22 – does not exceed pre-project conditions (both in terms of volume and rate), and to also handle events up to the 100-year event. Tennant Creek is prone to frequent flooding: Valley Water has estimated the creek is subject to overtopping during recurrence intervals as frequent as the 2- or 3-year event. In addition to replacing the function of the existing detention basin, the project should be mitigating all increased runoff from the development of Lots 20, 21, and 22 in Tract 8481, for a range of storm events from the 2- or 3- year event up through the 100-year event. The drainage report identifies discharge points along Tennant Creek, from the upstream limit of the Project site to a point downstream of Barrett Avenue to analyze changes in the Project site's discharge into Tennant Creek, both under existing and proposed conditions. Thus, all mitigatory measures need to consider a

range of events, including the 2-, 10-, 25-, and 100-year events so as not to induce flooding on neighboring or downstream properties.

Response C.26: The Tract 8481 retention basin and associated storm drain infrastructure constructed in 1993 is now included as part of existing conditions. The proposed conditions (which incorporate a proposed detention basin) were assessed in order to limit peak runoff at Tennant Creek to be at or below existing conditions. This inherently accounts for previous mitigation of Lots 20, 21, and 22 in Tract 8481 and impacts due to additional impervious surfaces from the Project for storm events ranging from 2-year up to the 100-year recurrence period.

Comment C.27: Additionally, the relocated detention basin will need to be adequately designed to account for the volume of runoff it currently receives from Tract 8481, or alternatively, the volume of runoff that can no longer be routed to the relocated basin needs to be made whole through additional basins or mitigatory measures. Ultimately, the mitigatory measures need to account for both the existing run-on the site currently receives, and any additional runoff generated within the Project site. Consistent with existing mitigation measures implemented for neighboring developments, runoff under pre-project conditions cannot exceed post-project conditions, both in terms of volume and rate. The drainage study completed by S&W only considers the 25-year storm event to address the minimum requirements specified in the City of Morgan Hill's (City) storm water management plan.

Response C.27: The design intent of the proposed detention basin is to capture and detain stormwater from the Jackson Park subbasin to offset the project's impacts along with maintaining the previous mitigation from the Tract 8481 retention basin. The design intent of the detention basin does not include pump stations to send flows from the Sorrel subbasin to the proposed detention basin.

Comment C.29:

- b. The feasibility of relocating the detention pond to Jackson Park needs to be further evaluated since it appears to be proposed at a higher elevation than the existing detention basin. Neighboring developments currently discharge runoff into the existing detention basin via gravity. If it is assumed the relocated basin will continue to collect runoff from these developments, it should be noted this will not be feasible without employing mechanical measures (i.e., pumps) to route runoff upslope to Jackson Park.

Response C.29: The drainage report demonstrates no increase in peak flows for the 2-year, 10-year, 25-year and 100-year recurrence intervals. While the project is not proposing to increase peak discharge into the Tennant Creek, the project does propose to raise the site in areas outside

of the regulatory floodway, thereby keeping the Zone AE within the channel limits. Upsizing of the Barrett culverts are intended prevent a backwater condition based on this reduction in the overland floodplain. It should be noted that increasing the size of the Barrett Avenue culverts does not increase peak discharges or hydrology downstream of the project which is supported by the steady state HEC-RAS modeling.

Comment C.30:

- c. The EIR also needs to analyze how changes in the storm drain system routing, Tennant Creek improvements (including any structures, grading or plantings), the proposed Barrett Avenue culvert, and outfall modifications in Tennant Creek will impact various storm event water surface elevations in the Tennant Creek special flood hazard areas, and in the Tennant Creek floodway. Water surface elevations need to be analyzed through the project site, upstream of the project site, and downstream of Barrett Avenue. Any changes which increase the FEMA effective water surface elevation in the floodway by more than 0.0-ft. at any point in the community will require a CLOMR to be submitted to and approved by FEMA prior to construction. If the project site will not create any new runoff discharging into Tennant Creek, then why are culvert improvements proposed? Any enlarging of the culvert capacity of even changes to current weir flow over Barrett Avenue may induce flooding downstream by increasing water surface elevations and/or increase the frequency of flooding downstream on Tennant Creek. It should be noted this area of Tennant Creek is subject to historical flooding.

Response C.30: Response C.29: The drainage report demonstrates no increase in peak flows for the 2-year, 10-year, 25-year and 100-year recurrence intervals. While the project is not proposing to increase peak discharge into the Tennant Creek, the project does propose to raise the site in areas outside of the regulatory floodway, thereby keeping the Zone AE within the channel limits. Upsizing of the Barrett culverts are intended prevent a backwater condition based on this reduction in the overland floodplain. It should be noted that increasing the size of the Barrett Avenue culverts does not increase peak discharges or hydrology downstream of the project which is supported by the steady state HEC-RAS modeling.

Comment C.31:

- d. This section does not address changes in the Tennant Creek overflow (Zone AO) that may be impacted by the Project. According to the FEMA effective model for Tennant Creek for the 100-year special flood hazard condition, 420 cubic feet per second (CFS) flow approaches the Fountain Oaks culvert, 290 CFS continues through culvert, while 130 CFS travels through the neighborhood and exits overland as 'Zone AO' enters 'Zone AE' and the floodway

(shown as cross section 526 in the effective model). The EIR should include mitigation that requires the project to maintain the existing flood patterns through the project site.

Response C.31: Regarding the Zone AO shown in the effective FEMA FIS, the Zone AO is caused by an assumed spill located at Fountain Oaks Drive. This spill is largely due to the resolution of subbasin delineations and assumptions made in locating peak discharges for drainage areas south of East Dunne Avenue at the start of the channel. This overestimates the peak flow present in the channel between East Dunne Avenue and Fountain Oaks Drive, leading to modeling which shows spill at Fountain Oaks Drive and a subsequent Zone AO designation. Schaaf & Wheeler utilized the Corps hydrology and further divided subbasins at Tennant Creek using log-linear regression and drainage area power law. This method is discussed in detail in the revised drainage report.

Comment C.32: Section 4.10.2, Impact 'c,' Hydromodification (Page 142)

- a. The Hydromodification section states the following: *“the proposed detention basin on the northeastern corner of the site is designed to limit the 25-year site discharge to be at the existing condition rates by over detaining the upstream watersheds that contribute to flow to Tennant Creek.”* To reiterate Comment 18a, the existing detention basin was designed to handle a range of events, including the 2-, 10-, 25-, and 100-year events. Therefore, the proposed detention basin needs to be designed to mitigate for the noted range of events. Schaaf and Wheeler’s Preliminary Drainage Study (Appendix H) may have considered the increased runoff generated by Tract 8481 as part of the tributary area for ‘Sorel Drive at Barrett Avenue’ (Preliminary Drainage Study, Table 3-2, Page 8), however the study appears to be assume that runoff would bypass the existing detention basin, and discharge directly into Tennant Creek by way of the existing 60-inch storm drain line along Barrett Avenue. It should be noted the existing detention basin increases the time of concentration within the drainage basin, which in turn attenuates the rate of runoff discharging into Tennant Creek. Modifications to the existing drainage pattern may increase flooding – both in terms of frequency and magnitude – for communities neighboring the Project site. The preliminary drainage study needs to evaluate whether the proposed modifications to the existing drainage pattern will increase both on- and offsite flooding.

Response C.32: The Tract 8481 retention basin and associated storm drain infrastructure constructed in 1993 are now included as part of existing conditions. The proposed conditions (including new detention basin) were then modified in order to limit peak runoff at Tennant Creek to be at or below existing conditions. This inherently accounts for previous mitigation in Tract 8481 and impacts due to additional impervious surfaces from the Project for storm events ranging from 2-year up to the 100-year recurrence period.

Valley Water's comments raise concerns that the existing retention basin needs to be modeled. To ensure Valley Water's comments are addressed appropriately at the proper stage of entitlements, additional modeling will be completed prior to issuance of the Planning Permit to account for the existing retention basin and its effects on downstream flow rate. Text has been added explaining this, along with a measure requiring completion of the hydraulic study to be documented as part of future permitting, to page 141 of the EIR. See Section 5.0 Text Revisions.

Comment C.33:

- b. The hydromodification section states that the *"...project site grades will be filled so that flows will be contained in Tennant Creek and there will be no runoff across the site."* This statement needs to be clarified or revised as it is not clear how changes to grading within the site will eliminate runoff across the site when the Project proposes to substantially increase the impervious surface area within the site. Additionally, in the absence of a no-rise certification, improvements to "contain" flows within Tennant Creek cannot include fill or modifications with the regulatory floodway since it would further constrict the conveyance area reserved to discharge the base flood event (i.e., 100-year event). It should be noted the limits of the regulatory floodway already assumes the maximum allowable increase (i.e., 1-ft.) has been reached. Thus, as noted in Comment 16, 44 CFR (60.3(d)(3) does not permit any fill/improvements within the regulatory floodway, unless it can be demonstrated the 100-year water surface elevation will not increase by any amount greater than 0.0-ft.

Response C.33: The existing Zone AE currently extends overland outside of the channel limits throughout the project site. The Project proposes to increase grades up to the regulatory floodway limits in order to protect the site from Zone AE flooding, thereby limiting Zone AE to the channel limits. The project will submit a Conditional Letter of Map Revision/Letter of Map Revision (CLOMR/LOMR) to demonstrate the revised reach modeling, new BFEs, new floodway encroachments and tie-in with the effective model as required by FEMA.

The effective regulatory floodway encroachments do not assume the maximum allowable one-foot increase in all locations. The effective FIS shows only an increase of 0.5 foot at Cross Section H (located just north of the project site) and 0.2 foot of increase at Cross Section G (located south of the project site at Tennant Avenue).

Comment C.34: Section 4.10.2., Impact 'c,' Flood Flows (Page 142)

- a. The EIR asserts *"...the proposed project would not result in changes to the upstream or downstream 100-year water surface profile of the creek."* This conclusion is inconsistent with the results provided in Schaaf and Wheeler's Evaluation of Flood Hazards (Preliminary

Drainage Report, Table 4-1, Page 12), which showed water surface elevation increases at several cross sections along Tennant Creek. The Project cannot result in any increases to the published 100-year water surface profile. As noted in Comment 14b, the regulatory floodway already assumes the maximum allowable increase has been reached; thus, improvements cannot further increase the 100-year water surface elevation. Moreover, the post-project conditions evaluated by Schaaf & Wheeler's analysis does not consider realignment and widening of the channel, or the proposed storm drain improvements along Barrett Avenue: of all which are proposed in earlier sections of the EIR.

Response C.34: The project proposes changes in WSE's along the revised reach, but shows no impacts outside of the revised reach (refer to Table 3-4 of the revised drainage study). The project is shown to tie-in to the effective FIS WSE's within +/- 0.5 feet per FEMA requirements. The regulatory floodway at the project's location does not assume the maximum allowable 1-foot increase in all locations. The effective FIS shows only an increase of 0.5 foot at Cross Section H (located just north of the project site) and 0.2 foot of increase at Cross Section G (located south of the project site at Tennant Avenue). The revised drainage study now clearly identifies the source effective HEC-2, Duplicate Effective Model, Pre-Project Conditions Model, and Post Project Conditions Model along with pertinent comparisons to demonstrate tie-in. The Pre-Project Conditions Model accounts for culverts both within the project site and at Barrett Avenue. The Post Project Conditions Model accounts for the project raising grades outside of the regulatory floodway and the upsizing of the Barrett Avenue culverts.

Comment C.35:

- b. It is noted *"the grading associated with the proposed project would re-establish the Tennant Creek floodway and floodplain which would relocate the 100-year flooding to ensure areas of the project development are located outside of the 100-year flood zone."* The proposal to re-establish and relocate the floodway and floodplain needs to be clarified. As noted in Comment 16, modifications to the adopted regulatory floodway will require a no-rise certification, supported by a hydraulic analysis completed in accordance with FEMA standards for map revisions. Moreover, it is not clear how the floodplain itself would be re-established unless the identified FEMA special flood hazard areas (SFHA) within the site are to be preserved as open space areas. Based on prior plan reviews by Staff, residential units were proposed within the limits of FEMA's SFHA.

Response C.35: Re-establishment of the floodway is primarily due to the effective SFHA shapefiles no longer aligning with existing channel banks through the project site. The project will submit a LOMR to

demonstrate the revised reach modeling, new BFE's, new Floodway encroachments and tie-in with the effective model as required by FEMA.

Comment C.36:

- c. The last paragraph under the discussion of 'Flood Flows' (Section 4.10.2, Page 143) notes that *"The development shall apply for a Conditional Letter of Map Revision based on Fill through FEMA to show that the development is outside the floodplain."* It should be noted that as of July 1, 2023, the County of Santa Clara (County) has temporarily suspended all CLOMR-F and LOMR-F applications within the County. Additionally, based on the improvements specified in the EIR, a CLOMR-F would not be applicable due to the proposed in-channel improvements (e.g., proposed realignment/widening of existing channel, culvert improvements). Hydraulic analyses to support revisions to FEMA Flood Insurance Rate Maps (FIRM) cannot separate specific project improvements such as grading and evaluate its singular impact on existing SFHAs. Rather, a cumulative analysis, which accounts for all proposed project improvements, needs to be completed to determine the Project's overall impact on FEMA's SFHA. This cumulative analysis is especially important as it does not appear that Barrett Avenue improvements (completed as part of Tract 7157) were submitted to FEMA for inclusion in the special flood hazard area study. These improvements include the existing Barrett Avenue culverts and the 60-inch storm drain outfall at Barrett Avenue.

Response C.36: The project will submit a CLOMR/LOMR rather than a CLOMR-F to demonstrate the revised reach modeling, new BFE's, new Floodway encroachments and tie-in with the effective model as required by FEMA.

Comment C.37:

- d. The last sentence under the discussion of 'Flood Flows' (Section 4.10.2, Page 143) asserts *"the proposed project would not redirect flood flows causing flooding on or off site."* As noted in comment 20c, this assertion needs to be supported by a hydraulic analysis that evaluates the cumulative impact of all proposed improvements. While Schaaf and Wheeler's evaluation of flood hazards in the Preliminary Drainage Report (Appendix H) does not consider modifications to the existing culvert at Barrett Avenue, it does not consider realignment and widening of the channel, both of which are proposed project improvements specified in earlier sections of the EIR. Results from the hydraulic analysis needs to support the conclusion that the project would not redirect flood flows or increase flooding on- or offsite.

Response C.37:

The revised drainage study incorporates channel grading and culvert improvements at Barrett Avenue along with raising of grades throughout the project site. This effectively keeps the Zone AE contained in channel. Since the analysis performed

uses steady state modeling, areas located downstream of Barrett Avenue will show no impact since the upsizing of Barrett culverts does not alter the peak discharge hydrology.

Comment C.42: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum (Page 5)

Schaaf and Wheeler’s memorandum notes *“the Rational Method was utilized to quantify the 25-year runoff for designing a storm drain system.”* See comment 18a. The memorandum also states the proposed model includes the proposed fill in the floodplain and a pedestrian bridge, but it does not mention the changes to the Tennant Creek Overflow (‘Zone AO’), the proposed storm drain routing changes, the proposed Barrett Avenue culvert crossing and storm drain outfall changes, etc. Also, the memorandum does not acknowledge that the existing capacity of Tennant Creek is very limited (estimated to only have capacity for a 2- or 3- year storm event); therefore, mitigation for only a 25-year event will increase the extent, and frequency of flooding for downstream properties, during those frequent events and up to a 100-year event as identified in FEMA effective studies.

Response C.42: Comment 18a refers to Comment C.26 about the Draft EIR’s discussion of drainage. The revised drainage report (FEIR Appendix C) now follows the County’s Drainage Manual criteria for estimating peak runoff hydrographs in assessing drainage impacts and mitigation. Existing storm drain infrastructure constructed in 1993 are now included as part of existing conditions. The proposed project conditions (including new detention basin) were sized to limit peak runoff at Tennant Creek to be at or below existing conditions. Proposed detention basin sizing was assessed for storm events ranging from two-year up to the 100-year recurrence period.

Regarding the overflow Zone AO shown in the effective FEMA FIS, this is largely due to the resolution of subbasin delineations and assumptions made in locating peak flows for drainage areas south of East Dunne Avenue at the start of the channel. Changes to hydrologic drainage points resulting in changes to the effective Zone AO are discussed in detail in the FEIR Appendix C.

Comment C.43: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 4 (Page 7)

- a. The discussion for ‘Impact 4’ notes *“...the proposed detention basin on the northeastern corner of the site is designed to limit the 25-year site discharge to be at the existing condition rates by over detaining the upstream watersheds that contribute to flow to Tennant Creek.”* See Comments 18a.

Response C.43: The Tract 8481 retention basin and associated storm drain infrastructure constructed in 1993 are now included as part of existing conditions. The proposed conditions (including new detention basin) were then modified in order to limit peak runoff at Tennant Creek to be at or below existing conditions. This inherently accounts for previous mitigation of Lots 20, 21, and 22 in Tract 8481 and impacts due to additional impervious surfaces from the Project for storm events ranging from 2-year up to the 100-year recurrence period.

Comment C.44:

- b. The discussion of post-project site drainage conditions notes that *“Runoff from offsite tributary residential and open space areas northeast of the project will be rerouted through the proposed basin...”* See Comments 18a, and 18b.

Response C.44: Regarding the overflow Zone AO shown in the effective FEMA FIS, this is largely due to the resolution of subbasin delineations and assumptions made in locating peak flows for drainage areas south of East Dunne Avenue at the start of the channel. This overestimates the peak flow present in the channel, leading to modeling which shows an overflow at Fountain Oaks Drive. Schaaf & Wheeler utilized the Corps hydrology and further divided subbasins at Tennant Creek using peak discharge and drainage area power law and a logarithmic linear regression. This method is discussed in detail in the revised drainage report.

Comment C.45: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 5 (Page 8)

The discussion detailing the existing site drainage conditions indicates “...no information of the basin is available...” and the existing detention basin “...is assumed to be private and does not provide detention for the City’s storm drain system.” This statement is in error as the basin was constructed as part of Tract 8481, approved by the City, and the basin was dedicated to, and accepted by the City as a public service easement on the recorded Tract map. Additionally, the depiction of the storm drain is in error as compared to Tract 8481 Improvement Plans. See Comments 7 and 15, and 18a.

The discussion of post-project site drainage conditions notes that “runoff from offsite tributary residential and open space areas northeast of the project site will be rerouted through the proposed basin...” See comments 18a, and 18b.

Response C.45: The Tract 8481 retention basin and associated storm drain infrastructure constructed in 1993 are included as part of existing conditions in the revised drainage report, FEIR Appendix C. The proposed

project conditions were sized to limit peak runoff at Tennant Creek to be at or below existing conditions. This inherently accounts for previous mitigation of Lots 20, 21, and 22 in Tract 8481 and impacts due to additional impervious surfaces from the Project for storm events ranging from 2-year up to the 100-year recurrence period.

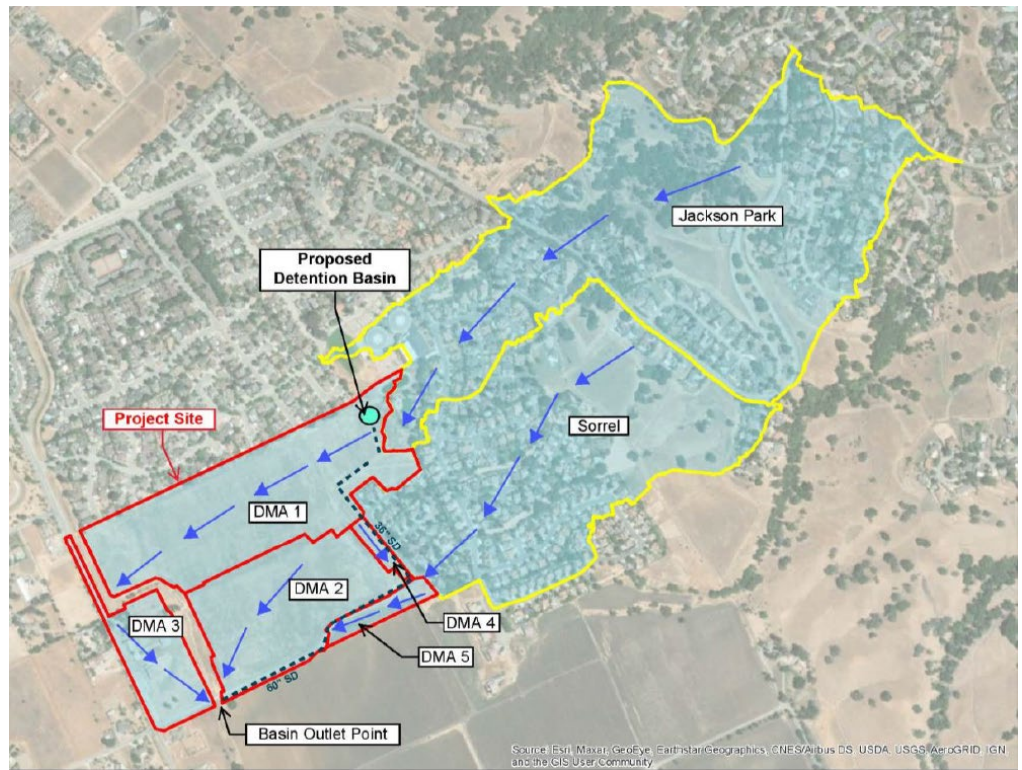
Comment C.46: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 6 (Page 9)

It is noted “...the detention basin has been designed to the 25-year storm event,” and based on the modeling results for the 100-year storm event in Tennant Creek “the development will be out of the floodplain.” See Comments 20a, and 20c. This finding does not acknowledge that Tennant Creek does not have sufficient capacity for frequent flood events and any increased runoff during these frequent events, which will increase the extent and frequency of flooding downstream. Receiving streams further downstream only have an approximate capacity for the 10-year event. The text supporting a finding of ‘Less Than Significant’ is inadequate.

Response C.46: The project is mitigating increases in runoff via the proposed detention basin. Peak flows following project implementation into Tennent Creek are therefore at or below existing conditions for the 2-year, 10-year, 25-year and 100-year return periods. Coupled with the subbasin adjustments discussed under comment responses C.18 and C.25 the revised drainage study (FEIR Appendix C) shows the 100-year water surface contained in channel. Since the analysis performed uses steady state modeling, areas located downstream of Barrett Avenue will show no impact since the upsizing of Barrett culverts does not alter the peak discharge hydrology.

Comment C.47: Additionally, Figure 6 provided on this page is illegible, and the outlet or discharge point for all DMAs is not clear. A full sized, legible copy of the figure, along with a clearly marked discharge point needs to be provided.

Response C.47: The revised drainage report (Appendix C) includes Figure 2-2 which shows the post-project conditions drainage areas, including clearly marked discharge points for the DMAs. A snip of the figure is included below.



Comment C.48: Appendix H – Schaaf and Wheeler Flooding and Drainage Study Memorandum, Impact 7 (Page 10)

- a. The discussion for Impact 7 identifies the three special flood hazard areas overlapping the project site ('Zone AE,' 'Zone O,' and 'Zone X'), however this section needs to also acknowledge the regulatory floodway that has been established. See Comment 16.

Response C.48: The regulatory floodway discussion is now included in the revised drainage report (FEIR Appendix C). The project will issue a LOMR to address changes to the channel, hydrology, floodway table, etc.

Comment C.49:

- b. The text states that the portion of 'Zone AO' not within Tennant Creek will be filled above the height of flooding. This will block 100-year flood flows of 130 CFS (as identified in the FEMA effective model) from leaving the Fountain Oaks neighborhood, which currently release overland across the Project site as 'Zone AO.' It is not clear where these flood flows will go if the proposed fill is obstructing the flow path. The text does not support the 'Less than Significant Impact.'

Response C.49: Regarding the Zone AO shown in the effective FEMA FIS, the Zone AO is caused by an assumed spill located at Fountain Oaks Drive. This spill is largely due to the resolution of subbasin delineations

and assumptions made in locating peak discharges for drainage areas south of East Dunne Avenue at the start of the channel. This overestimates the peak flow present in the channel between East Dunne Avenue and Fountain Oaks Drive, leading to modeling which shows spill at Fountain Oaks Drive and a subsequent Zone AO designation. Schaaf & Wheeler utilized the Corps hydrology and further divided subbasins at Tennant Creek using log-linear regression and drainage area power law. This method is discussed in detail in the revised drainage report.

Comment C.50:

- c. It is stated in the second paragraph that *“While the water surface elevations change throughout the site, the Project grading will re-establish Tennant Creek floodway and floodplain which will remove the 100-year flooding to be completely outside of the project limits. The development should apply for a CLOMR-F through FEMA to show that the development is outside the floodplain.”* See Comment 20b.

Response C.50: A CLOMR/LOMR is anticipated for the project to remove the Zone AO and modify the SFHA alignment to reflect existing conditions. Additionally, this removal of the Zone AO was provided to and reviewed by FEMA as part of the Upper Llagas Flood Protection Project. Based on comments 18 and 25 responses, the Zone AO is anticipated to be removed as part of the FEMA submission

Comment C.51: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 1, Introduction

- a. It is noted under the ‘Objectives’ discussion (Section 1.2, Page 3) that *“Project grading will also enable the Tennant Creek floodway and floodplain to be re-established so that all home sites may be elevated above the base flood, without changing the upstream or downstream 100-year water surface profile of the creek by more than six inches, as required by FEMA for remapping.”* As previously noted, no increases to the 100-year water surface elevations are allowed within any point of the regulatory floodway. See Comment 16 and 20a.

Response C.51: The project does not intend to construct improvements within the regulatory floodway. The project does propose to improve the Barrett Avenue culverts along with associated channel grading. The project’s hydraulic modeling will be submitted to FEMA via a CLOMR/LOMR identifying revised water surface elevations through the project site, revised hydrology and tie-ins to the effective water surface elevations both on the upstream and downstream ends of the study area. Re-establishment of the flood is due to the existing SFHA shapefiles not aligning with the current channel in physical space.

Comment C.52:

- b. The Report Outline (Section 1.3, Page 3) indicates preliminary hydrologic and hydraulic calculations are provided to evaluate the volume that would be needed to detain the 25-year storm event. See Comments 18a.

Response C.52: The updated drainage report now assesses the 2-year through 100-year events for sizing proposed detention to limit post project peak flow rates to pre project rates or lower.

Comment C.53: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 2, Drainage Patterns and Conveyance

- a. The section detailing the existing drainage conditions (Section 2.1, Page 5) notes that information regarding the design, sizing criteria, and function of the pre-existing stormwater retention basin, north of Barrett Avenue, are not available. See Comment 7. Additionally, it should be noted that Schaaf and Wheeler designed the detention basin.

Response C.53: Tract 8481 retention basin and associated storm drain infrastructure constructed in 1993 is now included as part of existing conditions. The proposed conditions (including new detention basin) were then modified in order to limit peak runoff at Tennant Creek to be at or below existing conditions. This inherently accounts for previous mitigation of Lots 20, 21, and 22 in Tract 8481 and impacts due to additional impervious surfaces from the Project for storm events ranging from 2-year up to the 100-year recurrence period.

Comment C.54:

- b. The drainage study proposed a conceptual plan to relocate the existing detention basin to Jackson Park (Section 2.2, Page 5). See Comment 18b.

Response C.54: The design intent of the proposed detention basin is to capture and detain stormwater from the Jackson Park subbasin to offset the project's impacts along with previous mitigation from the Tract 8481 retention basin.

Comment C.55:

- c. It is also noted *“approximately 150 acres of tributary residential and open space areas northeast of the project site (Figure 2-3)”* will be routed to the relocated detention basin. The southerly subcatchment (Total Stream Length 3179-ft.) does not account for Tracts 7157 and 8481. Additionally, portions of this subcatchment generally have existing grades that are lower in elevation compared to those at Jackson Park. See Comment 18b.

Response C.55: Response C.54: The design intent of the proposed detention basin is to capture and detain stormwater from the Jackson Park subbasin to offset the project's impacts along with previous mitigation from the Tract 8481 retention basin.

Comment C.56: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 3, Project-Specific Drainage Requirements

- a. As stated in other sections of the drainage study, the analysis considers the 25-year, 24-year storm event to adhere to the City's storm water management plan. The study needs to consider a range of events, including the 2-, 10-, 25-, and 100-year events, since Tennant Creek is prone to flooding. See Comments 18a and 19a.

Response C.56: Information regarding the Tract 8481 retention basin was provided to Schaaf & Wheeler on February 15, 2024. The Tract 8481 retention basin and associated storm drain infrastructure constructed in 1993 are now included as part of existing conditions. The proposed conditions (including new detention basin) were then modified in order to limit peak runoff at Tennant Creek to be at or below existing conditions. This inherently accounts for previous mitigation of Lots 20, 21, and 22 in Tract 8481 and impacts due to additional impervious surfaces from the Project for storm events ranging from 2-year up to the 100-year recurrence period. Refer to S&W responses for comments 18 and 19..

Comment C.57:

- b. Tables 3-1 and 3-2 provided in Section 3.2 (Page 8) need to include results for the requested range of events, including the 2-, 10-, 25-, and 100-year, 24-hour storm events.

Response C.57: The proposed detention is shown to mitigate the 2-year through 100 year events and does not induce flooding on neighboring or downstream properties.

Comment C.58: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Section 4

- a. It is noted *"Potential impacts from Project improvements are assessed using information and hydraulic models first completed for the Santa Clara Valley Water District."* The flood impact analysis for the project needs to be evaluated using FEMA's effective model as the baseline conditions. If the referenced Santa Clara Valley Water District model is based on the effective model, the analysis needs to ensure both the upstream and downstream ends of the studied reach are within 0.5-ft. of the published BFE (44 CFR 65.6(a)(2)). Additionally, all existing developments not included into the effective model need to be incorporated and evaluated cumulatively with the proposed project.

Response C.58: Adherence to 44CFR 65.6 (a)(2) is supported by the revised drainage study (FEIR Appendix C) which includes a more detailed discussion of tie-in with the duplicate effective model.

Comment C.59:

- b. Section 4.1 asserts *“all areas of potential improvements within Project limits would be located outside of regulatory flood areas.”* This statement is not consistent with the improvements specified in earlier sections of the draft EIR, which proposes realignment of the stream, widening of the channel at Barrett Avenue, and removal of the existing culvert: all of which are occurring within the limits of the regulatory floodway.

Response C.59: The project does propose culvert improvements and associated channel grading at Barrett Ave. The project will submit a CLOMR/LOMR to revise the effective firm based on this improvement following FEMA standards.

Comment C.60:

- c. Section 4.1.1 cites Ordinance Section C12-821(A), which maintains that the cumulative effect of development cannot increase the BFE by greater than one foot at any point within the County, *“until a regulatory floodway is adopted...”* It is then stated *“Since Tennant Creek has a defined floodway, and that floodway can be adjusted to coincide with the slightly realigned banks, this section of the of the ordinance does not apply...”* See Comment 16. This statement is only true if the Project fills in regulatory floodplain areas first. Additionally, this section refers to the County flood hazard ordinance; instead, it should refer to the City’s flood hazard ordinance, particularly Section 15.80.200 – Floodways (B), which states *“Within an adopted regulatory floodway, prohibit encroachments, including fill, new construction, substantial improvement, and other development unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in the base flood levels during the occurrence of the base flood discharge.”* It should be noted that the base flood discharge is the FEMA base flood discharge, not the ACOE hydrology discharge.

Response C.60: The County ordinance reference has been corrected to the City’s municipal code as noted. Since the project as components within the regulatory floodway, the project will submit a CLOMR/LOMR to reflect project changes and modify the effective FIRM.

Comment C.61:

- d. Section 4.2 indicates the effective HEC-2 model *“was obtained from the Santa Clara Valley Water District’s website.”* Not all hydraulic models provided on Valley Water’s website are FEMA effective models. Model outputs need to be verified with the County’s Flood Insurance Study (FIS) to confirm the water surface elevations and FIS flood flows are

consistent with the Valley Water model. The FEMA FIS flood flows within Tennant Creek through the site range from 290 CFS to 420 CFS, depending on the location. Additionally, the FEMA floodway model needs to be analyzed for increases due to the Project.

Response C.61: The HEC-2 model obtained from Valley Water is labeled as the FIS Study dated 1996 by Nolte and Associates but was also reviewed against the effective FIS study and shows consistent BFE values to those shown on the FIS water surface profiles.

Comment C.62:

- e. Section 4.2.4 notes that the *“proposed conditions are based on blocked obstructions (vertical walls) placed in the channel overbank as shown in the project workmap.”* Since Tennant Creek has an adopted regulatory floodway, the effective model should have blocked obstructions that were assumed to determine the limits of the floodway (i.e., floodplain encroachments). The duplicate effective model, and all subsequent models use to evaluate project impacts need to ensure these ineffective flow areas are carried over from the effective model. This section also states ACOE hydrology was used in the analysis. When a FEMA special flood hazard area has been defined, FEMA effective hydrology and modeling must be used as the existing condition floodplain to determine compliance with federal flood hazard regulations. This section also states that the Barrett Avenue culverts will be increased in capacity from three (3) 30-inch culverts to five 8-foot by 2-foot box culverts. It is not clear why such an increase in capacity is required if the Project will not increase flood flows to Tennant Creek. It is of particular concern that increasing the capacity of the Barrett Avenue culvert will increase the extent and frequency of flooding in Tennant Creek to downstream and neighboring properties.

Response C.62: The duplicate effective model carries the ineffective flow areas through subsequent models. The FEMA hydrology is used for project tie-in at the upstream and downstream ends of the revised reach per 44 CFR 65.6 (a)(2) and is now clarified in the revised drainage report (FEIR Appendix C).

The increase in culvert size at Barrett Avenue is proposed to limit backwater constraints now that the site proposes to raise its overall grade, keeping previous overland flooding contained in channel. Since the analysis performed uses steady state modeling, areas located downstream of Barrett Avenue will show no impact. While the upsizing of Barrett culverts does increase “available” capacity in the channel, it does not alter the peak discharge hydrology that was assumed for the steady state modeling.

Comment C.63:

- f. Table 4-1, which summarizes the 100-year water surface elevation based on the assumed post-project conditions, show increases at several locations along the water surface profile. See comments 16.

Response C.63: The project does show changes to water surface elevations within the limits of the project. Outside of the project limits, the water surface elevations are shown to be unchanged. The project will submit a LOMR to revise channel water surface elevations following FEMA standards.

Comment C.64: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Attachment 1: Storm Drain Discharge and Detention Calculations

The outlet, or the assumed point of discharge along Tennant Creek needs to be specified for all drainage calculations.

Response C.64: The outlet that is used as the basis of comparison between existing drainage conditions and proposed drainage conditions is identified as the intersection of Tennant Creek and Barrett Avenue and is shown visually in the revised drainage report (FEIR Appendix C) via Figures 2-1 and 2-2.

Comment C.65: Appendix H – Schaaf and Wheeler Preliminary Drainage Report, Attachment 2: HEC-RAS Project Workmap

For the cross sections provided, the limits of the assumed floodplain encroachments need to be clarified.

Response C.65: The supporting HEC-RAS model in Appendix C contains all requested floodplain encroachment stations.

MITIGATION MONITORING AND REPORTING PROGRAM

Morgan Hill Devco Project

File Numbers: ZA2021-0001/SD2021-0003

August 2024



PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) prepared for the Morgan Hill Devco Project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This MMRP addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the EIR concluded that the impacts from implementation of the project would be less than significant.

I, _____, the applicant, on the behalf of _____, hereby agree to fully implement the Mitigation Measures described below which have been developed in conjunction with the preparation of an EIR for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level, where feasible.

Project Applicant's Signature _____

Date _____

MITIGATIONS	MONITORING AND REPORTING PROGRAM		
	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
AGRICULTURAL RESOURCES			
Impact AG-1: Conversion of approximately 44 acres of Prime Farmland and approximately five acres of Farmland of Statewide Importance would constitute a significant impact to agricultural resources. (Significant and Unavoidable Impact)			
MM AG-1.1: A minimum of one acre of agricultural land (1:1 mitigation ratio) shall be preserved for each acre of agricultural land changed to a non-agricultural use. The required acreage of area to be protected through an agricultural conservation easement or agricultural preservation in-lieu fee will depend on the measurement of affected area. The area of land designated as Prime Farmland and Farmland of Statewide Importance shall be used for calculating the required mitigation.	To be implemented prior to issuance of building or grading permits, whichever occurs first.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee.
MM AG-1.2: Conversion of agricultural land shall require off-setting acquisition and/or dedication of agricultural conservation easements over approved agricultural mitigation land, or payment to the City of the agricultural preservation in-lieu fee, to support agricultural preservation activities. Developer acquisition/dedication of easements shall require the project to pay an agricultural lands preservation program stewardship fee to cover administrative costs and ongoing management and monitoring of the easements. Agricultural mitigation fees shall be required prior to the acceptance of a final parcel or subdivision map, or prior to issuance of building or grading permits. Easement dedication is required prior	To be implemented prior to issuance of building or grading permits, whichever occurs first.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee.

MITIGATIONS	MONITORING AND REPORTING PROGRAM		
	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
to issuance of building permits. Agricultural mitigation fees shall be required prior to the acceptance of a final parcel or subdivision map, or prior to issuance of building or grading permits. Easement dedication is required prior to issuance of building permits.			
AIR QUALITY			
Impact AIR-1: Project construction would exceed the Bay Area Air Quality Management District (BAAQMD) significance threshold for reactive organic gases (ROGs). (Less than Significant Impact with Mitigation Incorporated)			
MM AIR-1.1: During project construction, the project applicant shall use “super-compliant” low volatile organic compound (i.e., VOC) coatings that have emissions lower than current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 50 percent of all residential interior paints and 50 percent of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project’s operational lifetime. At least 50 percent of coatings applied must meet a “super-compliant” VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project’s operational lifetime, the Declaration of Covenants, Conditions, and Restrictions shall contain a stipulation for low VOC coatings to be used. Examples of “super-compliant” coatings are contained in the South Coast Air Quality Management District’s website.	The applicant is responsible for ensuring the use of super-compliant low VOC coatings during project construction, as described in MM AIR-1.1.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director’s designee.
Impact AIR-2: The project would exceed the BAAQMD single-source significance threshold for cancer risks at the maximally exposed individuals (MEI) location during construction. (Less than Significant Impact with Mitigation Incorporated)			
MM AIR-2.1: Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction operations	To be implemented prior to issuance of demolition,	All measures will be required as part of the development permit. All measures will be	Director of Development Services Department or Director’s designee.

MITIGATIONS	MONITORING AND REPORTING PROGRAM		
	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
plan to the Development Services Director that reduces diesel particulate matter emissions by 50 percent such that increased cancer risk and annual PM_{2.5} concentrations would be reduced below TAC significance levels. The plan shall include the following: 1. 60 percent of all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards and the remaining 40 percent shall meet U.S. EPA Tier 3 emission standards, if feasible, otherwise, • If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB verifiable diesel emission control devices that altogether achieve a 50 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment. Alternatively, or in combination, • Use of electrical or non-diesel equipment with lower particulate matter emissions that meet the PM reduction requirements above. 2. Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 50 percent or greater. Elements of the plan could include a combination of some of the following measures:	grading, or building permits, whichever occurs first. The applicant is responsible for preparing a construction operations plan and submitting it to the City for review, as described in MM AIR-2.1.	printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	

MITIGATIONS	MONITORING AND REPORTING PROGRAM		
	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
• Implementation of No. 1 above to use 60 percent Tier 4 and 40 percent Tier 3 or alternatively fueled equipment, • Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors, • Use of electrically-powered equipment, • Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered, • Change in construction build-out plans to lengthen phases, and • Implementation of different building techniques that result in less diesel equipment usage.			
BIOLOGICAL RESOURCES			
Impact BIO-1: The project could disturb nesting bird activity during construction. (Less than Significant Impact with Mitigation Incorporated)			
MM BIO-1.1: To the extent feasible, construction activities shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31, inclusive. If construction activities and/or tree removal cannot be scheduled to occur between September 1 and January 31, preconstruction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to ensure that no nests will be disturbed during project	The applicant is responsible for ensuring construction activities avoid nesting birds. The applicant is responsible for having a qualified biologist perform a pre-construction survey prior to construction and implementing buffer zones, if required, as described in MM BIO-1.1.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee.

MITIGATIONS	MONITORING AND REPORTING PROGRAM		
	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
implementation. These surveys shall be conducted no more than seven days prior to the initiation of demolition or construction activities including tree removal and pruning. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. The written report shall indicate the results of the survey, a map of identified active nests, and any designated buffer zones or other protective measures to be implemented with the project.	Prior to the onset of ground disturbance, a report summarizing the results of the survey and any protective measures shall be submitted by the applicant to the City.		
Impact BIO-2: The project could impact burrowing owl habitat or individuals during construction. (Less than Significant Impact with Mitigation Incorporated)			
MM BIO-2.1: Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of construction activities within suitable burrowing owl roosting habitat (i.e., ruderal grassland habitat or agricultural lands with burrows of California ground squirrels), or within 250 feet of this habitat. During the initial site visit, a qualified biologist shall survey the entire project site and areas within 250 feet by walking transects with centerlines no more than 50 feet apart to ensure complete visual coverage and look for suitable burrows that could be used by burrowing owls. If no suitable burrows are present, no additional surveys are required. If suitable burrows are determined to be present within 250 feet of	The applicant is responsible for ensuring construction activities avoid burrowing owls to the extent feasible. The applicant is responsible for ensuring pre-construction surveys are completed by a qualified biologist and ensuring any construction buffer zone is implemented	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee.

MITIGATIONS	MONITORING AND REPORTING PROGRAM		
	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
the project impact areas, a qualified biologist shall conduct a second survey to determine whether owls are present in areas where they could be affected by proposed activities. The surveys shall last a minimum of three hours, beginning one hour before sunrise and continuing until two hours after sunrise, or beginning two hours before sunset and continuing until one hour after sunset. The first survey may occur up to 14 days prior to the start of construction activities in any given area, and the second survey shall be conducted within two days prior to the start of construction activities. The report indicating the result of the surveys and any designated buffer zones shall be submitted to the satisfaction of the Development Services Director or Director's designee prior to initiation of construction activities. • If burrowing owls are detected during the pre-activity survey, a 250-foot buffer, within which no newly initiated construction-related activities will be permissible, shall be maintained between construction activities and occupied burrows. Though highly unlikely, owls present between February 1 and September 8 will be assumed to be nesting, and the 250-foot protected areas shall remain in effect until September 8, or until the burrow is no longer occupied, whichever occurs first. • If maintaining a 250-foot buffer around active owl burrows is not feasible, the buffer may be reduced if (1) the individual or nest is not disturbed, and (2) the contractor develops an avoidance, minimization, and monitoring plan that shall be reviewed and approved by the CDFW and USFWS prior to project construction. The plan shall include the following measures:	and maintained during construction activities, as described in MM BIO-2.1. If burrowing owls are present during non-breeding season and passive relocation is unavoidable, the applicant is responsible for having a qualified biologist prepare and implement an avoidance, minimization, and monitoring plan, as described in MM BIO-2.1. Prior to the onset of ground disturbance, a report summarizing the results of the survey and any protective measures shall be submitted by the applicant to the City.		

MITIGATIONS	MONITORING AND REPORTING PROGRAM		
	Timeframe and Responsibility for Implementation	Method of Compliance	Oversight of Implementation
○ A qualified biologist shall monitor the owls for at least three days prior to construction as well as during construction. ○ If the biologist observes no change in the owls' nesting or foraging behavior, construction activities may proceed. ○ If changes in the owls' behavior as a result of work activities are observed, activities shall cease within 250 feet of the active burrow location(s). Work activities may resume when the burrows are no longer occupied. ○ If monitoring indicates that the burrow is no longer in use by owls, the disturbance-free buffer may be removed.			
Impact BIO-3: The project could impact roosting bats during construction. (Less than Significant Impact with Mitigation Incorporated)			
MM BIO-3.1: A pre-activity survey for day-roosting bats shall be conducted prior to the onset of demolition of existing buildings or ground-disturbing activities within 100 feet of existing buildings. A qualified biologist will conduct a survey for evidence of bat use within suitable habitat. If evidence of use is observed, but the biologist is unable to determine whether or not the roost is occupied at that time, a dusk acoustic survey may be necessary to determine if bats are present and to identify the specific location of any bat colony. If no active bat day roost is located, no further measures are necessary. The report indicating the result of the survey shall be submitted to the satisfaction of the Development Services Director or Director's designee prior to initiation of construction activities (demolition or ground-disturbing activities). If an active day roost is located during the maternity season (March 15 to July 31), the biologist will attempt to determine whether the roost is occupied by nonbreeding	The applicant is responsible for ensuring construction activities avoid roosting bats to the extent feasible. The applicant is responsible for ensuring pre-activity surveys are completed by a qualified biologist and ensuring any construction buffer zone is implemented and maintained during construction activities, as described in MM BIO-3.1. If burrowing owls are present during non-breeding season	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee.

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bats (e.g., a bachelor roost consisting of males) or whether the roost is occupied by females with young. If females with young are present, a disturbance-free buffer zone (determined by a qualified bat biologist) shall be implemented until July 31, or until the young are able to fly independently (whichever occurs first). If a non-maternity roost is present during the maternity season, or during the nonmaternity season, the individuals shall be safely evicted between August 1 and October 15 or between February 15 and March 16 under the supervision of, and following eviction methods developed by, a qualified biologist. Demolition or construction can begin after the bats have been evicted.	and passive relocation is unavoidable, the applicant is responsible for having a qualified biologist evict the bats, as described in MM BIO-3.1 Prior to the onset of ground disturbance, a report summarizing the results of the survey and any protective measures shall be submitted by the applicant to the City.		
Impact BIO-4: The project could impact monarch butterfly eggs, larvae, or pupae during construction. (Less than Significant Impact with Mitigation Incorporated)			
MM BIO-4.1: In the San Francisco Bay area, monarch butterflies may begin laying eggs as early as March, and the last generation of the year hatches in September and October. Therefore, if milkweed plants are impacted from November through February, they are not expected to support eggs, larvae, or pupae, and no measures are necessary for project activities during the period November 1 through the end of February. • Prior to disturbance of any vegetated habitat that could support milkweed during the period March 1 through October 31, surveys shall be performed for the species' larval host plants. This survey shall occur within 2 weeks prior to the start of construction. A qualified biologist will survey the project impact areas, as well as surrounding areas within 50 feet (to the extent access allows), to	The applicant is responsible for ensuring construction activities avoid monarch butterflies to the extent feasible. The applicant is responsible for ensuring surveys are completed by a qualified biologist and ensuring any construction buffer zone is implemented and maintained during construction activities, as described in MM BIO-4.1.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee.

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identify any larval host plants. Any detected host plants shall be checked for eggs, larvae, or pupae. If no host plants are detected, or if no monarch eggs, larvae, or pupae are detected on those plants, no further action will be necessary. The report indicating the result of the survey shall be submitted to the satisfaction of the Development Services Director or Director's designee prior to initiation of construction activities. • If monarch eggs, larvae, or pupae are detected, one of the following measures will be implemented: ○ They will be protected by establishing a buffer zone around individual plants or populations. The buffer zone will be determined by a qualified biologist to avoid direct and indirect impacts (such as dust mobilization onto plants) on the monarchs and the plants on which eggs, larvae, or pupae occur. Project personnel and equipment shall not operate within such areas. All avoided larval host plants shall be clearly marked in the field with fencing or flagging. The buffer zone shall remain in place until monarchs are no longer present on those plants. ○ If larvae are detected within the survey area and impacts to the plants supporting those individuals cannot be delayed until the emergence of individual butterflies as adults, a qualified biologist may relocate larvae to milkweed plants more than 50 feet outside the impact area, if those milkweeds are not already occupied by monarch eggs or larvae.	If larvae are present and host plants are unavoidable during construction, the applicant is responsible for having a qualified biologist relocate the larvae, as described in MM BIO-4.1. Prior to the onset of ground disturbance, a report summarizing the results of the survey and any protective measures shall be submitted by the applicant to the City.		

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Alternatively, raising monarch butterflies in captivity is feasible, and eggs, larvae, or pupae that cannot be avoided could be raised to maturity in captivity and then released into habitat having suitable nectar sources. Only a qualified biologist shall handle or raise monarchs. If the monarch butterfly is listed (e.g., under FESA) prior to implementation of these measures, appropriate approval from the USFWS would be necessary to handle or relocate monarchs, or to raise them in captivity.			
Impact BIO-5: The project would result in riparian encroachment that would constitute a significant impact. (Less than Significant Impact with Mitigation Incorporated)			
MM BIO-5.1: Compensate for new urban development within setback. If a riparian setback exception is granted to the project, the project will introduce 0.18-acre of new urban development encroaching into the riparian setback. To compensate for this degradation of setback functions in the area, the project shall restore native riparian habitat at a 2:1 (restored area to impacted area) ratio, on an acreage basis, within other planned open space areas in the riparian setbacks. Native herbaceous plant species appropriate to the local area such as deergrass and narrow leaf milkweed shall be planted within the creek bottom and slopes. Native trees and shrubs appropriate to the local area such as coast live oak and coyote brush shall be planted and maintained to provide additional wildlife habitat adjacent to Tennant Creek. Coordinate with Valley Water to determine whether any woody vegetation can be planted within the banks of the creek or whether it would need to be installed above the top of bank, in order to ensure flood flows are not impeded by vegetation in the channel. A	To be implemented prior to the onset of ground disturbing activities. The applicant is responsible for coordinating with Valley Water to and working with a qualified restoration ecologist to develop a riparian setback enhancement and monitoring plan. The plan shall be submitted by the applicant to the City and Santa Clara Valley Habitat Agency.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee, Valley Water, and Santa Clara Valley Habitat Agency.

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qualified restoration ecologist shall develop a riparian setback enhancement and monitoring plan, which will contain the following components: • Goal of the restoration to achieve no net loss of habitat functions and values; • Restoration design (planting plan, soil amendments and other site preparation elements as appropriate, maintenance plan, and remedial measures/adaptive management); • Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.). At a minimum, success criteria will include elimination of non-native woody species from within the enhancement area and establishment of native trees and shrubs; and • Contingency plan for mitigation elements that do not meet performance or final success criteria. The plan shall be approved by the City of Morgan Hill and the Santa Clara Valley Habitat Agency prior to initiation of impacts to currently undeveloped habitat within the riparian setback.			
CULTURAL RESOURCES			
Impact CUL-1: Ground-disturbing construction activities could result in impacts to archaeological resources. (Less than Significant Impact with Mitigation Incorporated)			
MM CUL-1.1: A moderate potential exists for unrecorded historic-period archaeological resources to be within the project area. The developer shall enter into written contracts with an archaeologist and the Tamien Nation Tribe, and pay all fees associated with the activities required by this Mitigation Measure. The following policies and procedures for treatment and disposition of	To be implemented by a qualified archaeologist prior to the onset of ground disturbance and during project demolition, grading, and construction activities	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance	Director of Development Services Department or Director's designee.

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inadvertently discovered human remains or archaeological materials shall apply: (a) Prior to the start of grading or earthmoving activity on the “first day of construction,” the archaeologist and Tribal Monitor shall hold a pre-construction meeting for the purposes of “cultural sensitivity training” with the general contractor or subcontractors. (b) A Tamien Nation Tribal Monitor shall be present on-site to monitor all ground-disturbing activities and an archaeologist shall be on-call. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below: 1. Work at the location of the find shall halt immediately within 50 feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter; 2. If the find is determined not to be a Unique Archaeological resource, construction can continue. The archaeologist shall prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a		of any grading and/or building permits.	

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discussion of the methods used to determine significance for the find; 3. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist shall determine if the resource can be avoided and shall detail avoidance procedures in a formal memo/letter; and 4. If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the City' Development Services Director or Director's designee. The action plan shall be in conformance with California Public Resources Code 21083.2. An archaeologist shall be on-call during ground disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below. (c) The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans. 1. If human remains are encountered, they shall be treated with dignity and respect as due to			

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them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs, and around artifacts shall be upheld. 2. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled. 3. Surgical masks should also be worn to prevent exposure to pathogens that may be associated with the remains. (d) In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone lined building foundations, wells, or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.			

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(e) An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically 25 to 50 feet for single burial or archaeological finds). (f) The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances. (g) The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition: • The City of Morgan Hill Development Services Director (408) 779-7247 • The Contractor’s Point(s) of Contact • The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900 • The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082 • The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C) • The Tamien Nation (707) 295-4011 (office) and (925) 336-5359 (THPO)			

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(h) The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the NAHC. (i) The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated as the MLD). (j) Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose. (k) Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director or Director's designee, the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out. (i) If the MLD recommendation is rejected by the City of Morgan Hill, the parties will attempt to mediate the disagreement with the NAHC. If mediation fails, then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.			

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MM CUL-1.2: The project applicant shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials. Any archaeological site information supplied to the Contractor Foreman or authorized representative shall be considered confidential. Information on the project plans shall be verified by the City's Development Services Director or Director's designee prior to issuance of a grading permit or any building permit.	To be implemented by the project applicant prior to issuance of any grading and/or building permit, whichever occurs first.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee.
GREENHOUSE GAS EMISSIONS			
Impact GHG-1: T The project would exceed the BAAQMD annual emissions bright-line threshold and service population threshold for greenhouse gas (GHG) emissions. (Less than Significant Impact with Mitigation Incorporated)			
MM GHG-1.1: Prior to issuance of grading permits on the project, the project applicant shall submit and implement a GHG reduction plan to the Development Services Director or Director's designee that reduces the project's operational GHG emissions in 2028 by 841 MT CO ₂ e/year. The GHG reduction plan shall be implemented until the City adopts its GHG reduction plan consistent with the State's interim 2030 GHG emissions reduction target of 40 percent below 1990 levels. All feasible project design and operational measures shall be implemented prior to the purchase of credits. The GHG reduction plan shall include a combination of the measures listed below to reduce project GHG impacts: • Implementation of a transportation demand management (TDM) program to reduce mobile GHG emissions; • Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power;	To be implemented prior to issuance of building or grading permits, whichever occurs first.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee.

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• Provide infrastructure for electric vehicle charging in residential units and parking areas (i.e., provide 220 VAC power); • Increase water conservation above State average conditions for residential uses by installing low flow water utilities and irrigation; and • Purchase verifiable carbon emission offsets that meet all of the following standards: ○ Registry Performance Standards: The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the WRI/WBCSD Greenhouse Gas Protocol for Project Accounting: ▪ The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City's Development Services Director or his or her designee, any governmental entity, or any stakeholder, ▪ The registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or			

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verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project applicant with this mitigation measure. Carbon Offset Credit Performance Standards: The carbon offset credits retired by the applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable. To demonstrate compliance with such requirements, the developer shall provide the following to the City's Development Services Director or his or her designee: (i) the protocol used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Development Services Director or his or her designee shall reject any carbon offset credits that do			

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not comply with these requirements, and where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Development Services Director or his or her designee shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used. ▪ Geographic Limitations: The carbon offsets shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure. ○ Enforcement: The permits relating to the project shall be conditioned on achievement of GHG mitigation milestones. The purchase and retirement of carbon offset credits required to mitigate the GHG emissions resulting from the operation of the project shall be a condition of the issuance of a certificate of occupancy, temporary or permanent, for the project and as an issuance for continued operation. Should the City determine that the offset credits are non-compliant with the requirements in this mitigation measure, the City may issue a			

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notice of non-consistency and cease permitting activities and/or stop project operations, until the City determines via an issued public notice that the offsets comply with the aforementioned standards.			
HAZARDS AND HAZARDOUS MATERIALS			
Impact HAZ-1: Contaminated soils have the potential to release chemicals to the environment that could expose construction workers and nearby land uses. (Less than Significant Impact with Mitigation Incorporated)			
MM HAZ-1.1: Prior to issuance of a site grading permit, a corrective action/risk management plan (e.g., remedial action plan, removal action workplan, or Site Management Plan) shall be prepared that reflects the results of the on-site investigations. The corrective action/risk management plan shall describe mitigation measures (e.g., removal of contaminated soil) necessary to protect the health and safety of construction workers, nearby residents, and the environment, and establish appropriate management practices for handling and monitoring of impacted soil that may be encountered during construction activities. The corrective action/risk management plan shall describe protocols for the profiling of soil, if any, planned for off-site disposal. The corrective action/risk management plan should be prepared by an environmental professional and be submitted to an appropriate overseeing regulatory agency (e.g., Water Board, California DTSC, or SCCDEH) for review. Regulatory agency approval shall be obtained prior to commencing earthwork activities in the vicinity of the identified impacted soil. This measure shall be completed under regulatory agency oversight and meet all applicable federal, state, and local laws, regulations, and requirements. Following completion, a report	To be implemented by the project applicant prior to issuance of a grading permit. The applicant is responsible for ensuring a corrective action/risk management plan is prepared by a qualified environmental professional, as described in MM HAZ-1.1. The plan shall be submitted to the City and to the Water Board, California DTSC, or SCCDEH.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of any grading and/or building permits.	Director of Development Services Department or Director's designee, and Water Board, California DTSC, or SCCDEH.

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documenting compliance with the provisions of the corrective action/risk management plan and describing the work completed shall be submitted to and approved by the overseeing regulatory agency.			
Impact HAZ-2: The project would demolish the existing buildings, which could release asbestos particles and expose construction workers and nearby residents to harmful levels of asbestos. (Less than Significant Impact with Mitigation Incorporated)			
MM HAZ-2.1: Prior to issuance of a demolition permit for on-site structures, the project applicant shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Building Division an asbestos and lead survey. If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site asbestos-containing materials and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all CalEPA regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also	To be implemented by the project applicant prior to issuance of a demolition permit. The applicant is responsible for ensuring an asbestos and lead survey is completed by a certified assessor as described in MM HAZ-2.1. If asbestos-containing materials and/or lead-containing materials are determined to be present, the project applicant shall prepare a work plan for removal of the materials in accordance with Cal-OSHA, as described in MM HAZ-2.1. A report summarizing the results of the survey and the work plan shall be submitted by the applicant to the City.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.	Santa Clara County Department of Environmental Health and Director of the Development Services Department.

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subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303.			
Impact HAZ-3: Improper abandonment of wells and septic systems on-site could result in groundwater contamination. (Less than Significant Impact with Mitigation Incorporated)			
MM HAZ-3.1: Prior to issuance of a grading permit, the project applicant shall research well records from Valley Water and attempt to locate abandoned wells at the site. If a well is located on site, the project applicant or contractor shall contact Valley Water's Wells Hotline immediately to assist in the identification of abandoned/unregistered wells or structures and help determine the appropriate means of addressing them. If the wells are identified, or subsequently encountered during earthwork activities, the applicant shall obtain a well destruction permit from Valley Water, and the wells shall be properly destroyed in accordance with Valley Water Ordinance 90-1. If septic systems are encountered during earthwork activities, those systems shall be abandoned in accordance with SCCDEH requirements.	To be implemented by the project applicant prior to issuance of a grading permit.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.	Director of Development Services Department or Director's designee, and Santa Clara County Department of Environmental Health.
NOISE AND VIBRATION			
Impact NOI-1: Project construction would generate vibration levels that could damage adjacent buildings. The project would not result in generation of excessive groundborne vibration or groundborne noise levels. (Less than Significant Impact with Mitigation Incorporated)			
MM NOI-1.1: To address potential impacts related to vibration, the project shall implement the following vibration controls: Prohibit the use of heavy vibration-generating construction equipment within 25 feet of residences. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory	To be implemented by the project applicant during construction.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.	Director of Development Services Department or Director's designee.

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compactor, when compacting materials within 25 feet of residences to the north and east. • Avoid dropping heavy equipment within 25 feet of residences. Use alternative methods, where feasible. • Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. • Avoid using vibratory rollers or tampers within 25 feet of sensitive uses. • Modify/design or identify alternative construction methods to reduce vibration levels below the limits. • The contractor shall alert heavy equipment operators to the close proximity of the adjacent structures so they can exercise extra care.			
TRANSPORTATION			
Impact TRN-1: The project would generate 33.25 vehicle miles traveled (VMT) daily per capita, exceeding the threshold of 20.94 VMT per capita. (Significant and Unavoidable Impact)			
MM TRN-1.1: The project applicant shall develop and implement a Transportation Demand Management (TDM) plan which targets a reduction in residential vehicle trips to and from the site. The TDM plan shall 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 shall require the following measures: • Prior to project occupancy, the project applicant shall make a financial contribution to the City's on-site demand rideshare service (MoGo), as a	To be implemented by the project applicant prior to issuance of an occupancy permit.	All measures will be required as part of the development permit. All measures will be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.	Director of Development Services Department or Director's designee.

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one-time or annual financial contribution based on City's approval; OR During project operations, the management entity/homeowners association shall provide fully (100 percent) subsidized annual VTA transit passes for all project homeowners (a maximum of one transit subsidy per residential unit, equivalent to 364 transit passes per year). This subsidized transit program shall be approved by the City of Morgan Hill's Public Services Director prior to issuance of occupancy.			

Source: City of Morgan Hill. *Morgan Hill Devco Residential Project EIR*. November 2023.

RESOLUTION NO. 24-13

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL RECOMMENDING
APPROVAL OF A ZONING AMENDMENT FOR A
PLANNED DEVELOPMENT AND ASSOCIATED MASTER
PLAN (ZA2021-0001) FOR A 69.43-ACRE SITE LOCATED
AT THE NORTHEAST QUADRANT OF HILL ROAD AND
BARRETT AVENUE (APN: 817-20-031)**

WHEREAS, New Horizons, Hill – Morgan Hill Devco proposes to develop the 69.43-acre property located on the northeast quadrant of Hill Road and Barrett Avenue, identified by Assessor Parcel Number 817-20-031, with 320 new residential lots including a variety of unit types ranging from single-family detached units to multi-family attached units (Zoning Amendment ZA2021-0001); and

WHEREAS, said development proposes establishment of a Planned Development (PD) combining district which requires the approval of a Zoning Map Amendment and the establishment of a PD Master Plan; and

WHEREAS, Section 18.114.040 of the Morgan Hill Municipal Code requires that the Planning Commission make a recommendation to the City Council regarding the Zoning Map Amendment to establish a Planned Development Combining District based on the findings specified in Section 18.114.060; and

WHEREAS, Section 18.30.050H.5 of the Morgan Hill Municipal Code requires that the Planning Commission make a recommendation to the City Council regarding the Planned Development and associated Master Plan based on findings specified in Section 18.303.050.H.7; and

WHEREAS, an Environmental Impact Report (EIR) has been prepared and considered for this project prior to the consideration of the above-referenced applications. Mitigation measures and a monitoring program will be adopted for those environmental impacts identified in the EIR; and

WHEREAS, such request was considered by the Planning Commission at its regular meeting of September 24, 2024; 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 amendment is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by City Council.

The project complies with the allowed density range for units on the site in accordance with the General Plan. The Planned Development is consistent with but not limited to the following General Plan Policies: Policy CNF 6.4, Policy CNF-6. A, Policy CNF 8.7, Policy CNF 8.11, Policy CNF 9.1, Policy CNF 10.4, Policy CNF10.5, Policy CNF 11.3, Policy CNF 11.5, Policy HC-3.14, Policy NRE-5.5, Policy NRE5.6, and NRE4.11. The Planned Development Standards require new development to meet the Residential Development Design and Development Standards and will be consistent with the intent of the underlying zoning designation.

SECTION 2. The proposed development is superior to the development that could occur under the standards applicable in the existing zoning district.

This PD Master Plan includes a range of unit types and lot sizes while maintaining the allowable density for the land use designation.

SECTION 3. The proposed project will provide a substantial public benefit(s) as defined in the Municipal Code. The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.

The PD Master Plan provides 4-acres of outdoor common open space which is more than double the requirement for new development per the municipal code. The minimum roadway improvement for the Hill Road and Barrett Avenue intersection is a four-way signalized intersection. As written in the PD standards, the roundabout enhancement to the Hill and Barrett intersection will go above the required minimum improvement. Therefore, this PD with Master Plan is consistent in providing a substantial public benefit.

SECTION 4. The Site for the proposed development is adequate in size and shape to accommodate proposed land uses.

The PD Master Plan has been reviewed for design, location, shape, size, and uses proposed and has been determined to be suitable and compliant with the vision of residential at this location with the addition of neighborhood parks and trail connectivity.

SECTION 5. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.

The project is consistent with the policies of the City's General Plan to improve sidewalk connectivity and expand pedestrian opportunities. The City's Bikeways, Trails, Parks and Recreation Master Plan, adopted in July 2017, establishes goals, policies, and actions to facilitate bicycling and designates bicycle lanes along many City streets.

Senate Bill (SB) 743 establishes criteria for determining the significance of transportation impacts using a VMT metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts.

The Morgan Hill citywide average daily VMT per capita is currently 24.64. OPR recommends an impact threshold of 15 percent below the existing VMT levels for residential land uses, which equates to 20.94 VMT per capita. The project is estimated to generate 33.25 VMT daily per capita, which would exceed the City's impact threshold. The project would result in a significant VMT impact on the transportation system. The project applicant would need to implement VMT reduction measures to achieve a 37 percent reduction in its VMT per capita for the proposed project to reduce the project's VMT impact to a less than significant level (below 20.94 VMT daily per capita). However, the maximum reduction possible is anticipated to reduce daily per capita VMT to only 29.55. The project's VMT per capita could be reduced to 29.55 with the implementation of the Travel Demand Management (TDM) strategies, included as mitigation measures of the EIR and a Statement of Overriding Considerations prepared as part of the Resolution related to the EIR.

SECTION 6. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use characteristics of the surrounding area.

The project is a residential development that provides a variety of housing types ranging from single family detached to multi-family attached housing units on a range of lot sizes. The proposed PD Master Plan integrates the new residential units with the surrounding residential neighborhoods by completing streets and adequately transitions larger lots to smaller lots. The PD and Master Plan was reviewed by the Development Services Team and Standards required within the document will not have a substantial adverse effect on surrounding property.

SECTION 7. Findings required for the current approval of a zoning Map amendment can be made such as consistency with the General Plan and that the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

The project is a residential development that provides a variety of housing types ranging from single family detached to multifamily attached housing units on a range of lot sizes. The General Plan envisioned residential uses at this location and the proposed Plan integrates the new residential units with the surrounding residential neighborhoods by completing streets and adequately transitions larger lots to smaller lots.

SECTION 8. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

The 69.4-acre site is suitable in design, location, shape, and size to accommodate the uses allowed by the PD Master Plan. The variety of residential uses comply with the allowable density and the PD as written will require compliance with the Residential Development Design and Development Standards. The PD and Master Plan were reviewed by the Development Services Team which includes Building, Fire Prevention, Police, Engineering, Environmental Services, etc. concur that the PD and Master Plan as proposed will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

SECTION 9. Planning Commission recommends approval of Zoning Amendment application ZA2021-0001: New Horizons (Hill – Morgan Hill Devco) project and the Planned Development Standards and Planned Development Master Plan as described in Exhibit “A” of this Resolution and by this reference incorporated herein.

PASSED AND ADOPTED THIS 24th DAY OF SEPTEMBER 2024, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

LIAM DOWNEY, Chair

New Horizons Planned Development Standards
ZA2021-0001

This Planned Development (PD) creates an overlay to the base residential detached medium zoning. Where this Ordinance is silent, the Municipal Code, as amended, shall apply. Prior to and/or during development of the approximate 69-acre site the following shall be met.

1. **Substantial Public Benefit:** A substantial public benefit for the purpose of this PD is defined as a project feature not otherwise required by the zoning code or any other provision of local, state, or federal law that substantially exceeds the City's minimum development standards and significantly advances goals of the general plan. The project must include one or more substantial public benefits.
 - a. Useable Common Open Space: New residential development is required to provide useable private and common open space with a minimum type of on-site recreational amenities. While the private open space per lot and the on-site recreational amenities are reviewed for conformance prior to Design Permit approval, the common open space required is confirmed now. The master plan provides approximately 4–acres of parkland dispersed through three parks. The total amount of common open space required for the development is 47,585 square feet or 1.09-acres. The common open space provided exceeds the minimum by 2.91-acres. Because the master plan exceeds the minimum required, it qualifies as a substantial public benefit.

Table 1.b. Residential Development Design and Development Standards
Useable Common Open Space

	SFD (7,000)	Smaller lot SF Detached and Attached			Total
Proposed Lot Sizes	7,000	5,000	3,000- 3,800	1,800	
Common Open Space					
Project proposed number of units	64	159	63	34	320
Parkland sq ft required per unit	N/A	200	175	140	
Project Requirement		31800	11025	4760	47,585sq.ft.

- b. Intersection Improvements: Per the Transportation Impact Analysis, development of this site will require Hill Road and Barrett Avenue to be a four-way signalized intersection at minimum, bringing the LOS from an unacceptable level to an acceptable LOS B level. The intersection safety and mobility improves from an LOS B to an LOS A with a roundabout instead of a signal. As a Significant Public Benefit, new development of this site shall require the construction payment for a new roundabout in lieu of a four-way signalized intersection per the Transportation Impact Analysis. If a roundabout is not desired at this

location as determined by the City Civil Engineer, the additional funds that would be required to construct a roundabout will go towards supporting a City-sponsored rideshare program such as MOGO, or towards the intersection improvements listed under Section 5 of this PD for Transportation Related Standards.

2. Required Permits before Development:

- a. The property owner or designee shall apply for a Design Permit to be reviewed for consistency with the standards of this New Horizons Planned Development and the Residential Development Design and Development Standards.
- b. A Subdivision Map will be required for the division of land, incorporation of easements, and dedication of land to the City.
- c. Project proposal requires review and permits from the Clean Water Act Section 404 permit of the U.S. Army Corps of Engineers, Clean Water Act Section 401 Water Quality Certification and possibly Porter-Cologne Water Quality Control Act waste discharge requirements from the Central Coast Regional Water Quality Control Board.
- d. Fish and Game Code Section 16 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) will be necessary for the proposed project.
- e. U.S. Bureau of Reclamation (USBR) and Valley Water permits are required prior to Design Permit approval for proposed work within the USBR easement.
- f. Approval is required from Valley Water and the City for encroachments within the regulatory floodway of Tennant Creek to demonstrate through hydrologic and hydraulic analyses that the project will not result in any increase in the base flood levels during the occurrence of the base flood discharge pursuant to Chapter 15.80 (Flood Damage Prevention) of the City's Municipal Code.
- g. The proposed realignment of a portion of Tennant Creek requires a Conditional Letter of Map Revision (CLOMR) application submitted to the Federal Emergency Management Agency (FEMA) and a CLOMR issued by FEMA prior to Design Permit approval. After project completion and prior to building final(s), the project is required to submit a Letter of Map Revision (LOMR) application to FEMA and obtain LOMR approval from FEMA. If FEMA has suspended initiation of CLOMR and LOMR for this type of process, approval from FEMA is still required.
- h. The project may propose to apply to FEMA for a Conditional Letter of Map Revision based on Fill (CLOMR-F) to revise the 100-year floodplain within the site and possibly remove the proposed buildings out of the 100-year floodplain with issuance by FEMA of a LOMR-F. Currently, FEMA has suspended initiation of CLOMR-F and LOMR-F applications. However, if FEMA is creating a separate process for this type of approval, the project may apply.
- i. Off-Site Improvements Permit(s) with the City Engineering and/or Public Works Department and any associated encroachment permits that may be required.
- j. Issuance of required Building Permits for the new development including but not limited to a Master Plan, Grading etc.
- k. Proposed development within this Master Plan Area is required to comply with the Morgan Hill Municipal Code specifically but not limited to the following: MHMC 15.65 Sustainable building Regulations, MHMC 18.72.040 Electric Vehicle Charging, MHMC 15.40 building Security and MHMC 15.38 Wage Theft Prevention.

- 3. Inclusionary Housing Ordinance Compliance (IHO):** New development of the project site shall be in compliance with the IHO as amended. The IHO requires 15% of the total units proposed to be restricted to Below Market Rate (BMR) units. The Planned Development proposal for 320 units will require 48 units to be BMR units. BMR units are required to be equally dispersed throughout each product type and accessory dwelling units do not count towards the required number of BMR units. Review and enforcement of the IHO will be completed during the Design Permit and Subdivision Map process. All standards within the IHO apply including but not limited to the following:
- Units must be geographically and proportionally disbursed.
 - Units must be in all building types.
 - Units shall be dispersed among the product types, proportionate in number among each of the product types that comprise the development.
 - Units must consist of the project's average bedroom and bathroom count.
 - Units shall not have significant identifiable differences.
 - The size of the units, and distribution of model types shall be comparable and proportionate to the entire project's makeup.

For a 320 unit development 48 units are required to be income-restricted BMR units. The number of units in each product type are as follows:

- 223 Traditional SF represents 69.68% of the total project, therefore 69.68% of the required 48 BMRs is 33.44 which rounds to 34 BMR units.
- 42 Courtyard homes represent 13.12% of the total project, therefore 13.12% of the required 48 BMRs is 6 BMR units.
- 21 Senior cottages represent 6.56% of the total project, therefore 6.5% of the required 48 BMRs is rounded to 3 BMR units.
- 34 Senior single-family attached represents 10.62%, therefore 10.62% of the required 48 BMRs is 5 BMR units.

Unit Type	Number of Project Units	BMR Unit Requirement
Single Family (223) Courtyard Homes (42) Senior Cottages (21) Senior SFA (34)	320	48
Single Family	223	34
Courtyard Homes	42	6
Senior Cottages	21	3
Senior Single Family Attached	34	5

The IHO allows for projects to pay an in-lieu fee or "fee out" up to 50% of the inclusionary obligation. In response to the City's Housing Element's recognition of this area as a Racially Concentrated Area of Affluence (RCAA), the project will be required to construct the entirety of the BMR obligation and there will not be a 'fee out' option. An IHO agreement outlining the projects compliance is required to be prepared, approved, and recorded prior to Final Map recordation.

- 4. Public Park and Trail Improvements:** Per the Quimby Parkland requirements, a minimum of 4.83 acres of parkland area is required to be constructed or an in-lieu fee paid. This PD

Master Plan is dedicating 1.76 acres of land to Jackson Park. The new Jackson Park area will include onsite improvements that will be reviewed by the Parks and Recreation Commission and approved by City Council. The General Plan identifies a proposed shared use (pedestrian and bicycle) class 1 path from Jackson Park to Hill Road that connects to the existing trail system. The PD Master Plan identifies a public trail from Jackson Park to Hill Road that shall be constructed as a Class 1 shared use path.

- a. A Subdivision Improvements Agreement (SIA) shall be executed between the City and the property owner or designee to cover required offsite improvements.
- b. Dedication of 1.76 acres of land to Jackson Park as shown on Parcel A and C.
- c. Prior to final design of public park improvements, review and approval is required by Parks and Recreation Commission and City Council.
- d. Improvements for existing features on City property will continue to be maintained by City.
- e. In general, storm water detention solutions for projects need to be satisfied entirely on the project site. If a dual use storm water detention basin located on both City property and the proposed dedicated park area property is supported, it is required to be constructed by property owner or designee. Maintenance of new detention basin to be the responsibility of the HOA unless otherwise proven needed to resolve overflow runoff from Jackson Park. If City approves the dual use storm water detention basin, a private storm water easement will be granted by the City to the property owner or designee of the system.
- f. The public trail connection to existing Jackson Park and trail network will be constructed by the property owner or designee.
- g. A public access easement will be required over the trail located outside City Property, and shall be shown on the Tentative Map and dedicated to the City prior to final map approval. A Community Facilities District (CFD) shall be formed to cover the maintenance cost of the trail. If a CFD is not formed, the trail maintenance shall be the responsibility of the HOA. The landscaping adjacent to the trail area shall be maintained by the HOA.
- h. The property owner or designee shall pay for and install an interpretive panel along the proposed pedestrian trail. The interpretive panel shall be reviewed and approved by Tamien Nation.
- i. Water features including ponds will be reviewed for consistency with the Water Conservation Ordinance prior to design permit approval.

5. Transportation Related Standards: Based on the City's operating standards the proposed development within this PD would have an adverse effect on the following intersections and will require improvements and fair share in lieu fees as follows.

- a. Condit Road and Main Avenue - The project shall contribute a proportional fair share of the in-lieu cost for future implementation of an exclusive southbound right-turn on Condit Road, required signal modifications, and lane striping on the southbound approach.
- b. Condit Road and Tennant Avenue – The project shall contribute a proportional fair share of the in-lieu cost for future implementation of a traffic signal at the Condit Road and Tennant Avenue intersection.
- c. Murphy Avenue and Tennant Avenue – The project shall contribute a proportional fair share of the in-lieu cost for future implementation of a traffic signal with protected phasing on all four approaches at the Murphy Avenue and Tennant Avenue intersection. The in-

lieu cost shall be determined by the City prior to approval of tentative map and/or design permit.

- d. Hill Road and Fountian Oaks Drive – The project shall implement a separate westbound left-turn lane on Fountian Oaks Drive. The property owner or designee shall be required to cover the full cost of this improvement.
- e. Hill Road and Barrett Avenue – If the Substantial Public Benefit roundabout at this intersection is not chosen by our City Public Works Department, the project shall implement a four-way traffic signal with protected phasing on Hill Road and Barrett Avenue at a minimum.
- f. Condit Road and Diana Avenue – The project shall contribute the proportional share of in-lieu cost for future implementation of a traffic signal with protected phasing on Condit Road. In-lieu cost shall be determined by the City prior to the approval of tentative map and or design permit.
- g. New development shall provide adequate width and turn-radii at and along all drive/parking aisles to allow for two-way circulation and adequate circulation of larger vehicles (such as emergency trucks, garbage trucks, and delivery trucks) throughout the project site.
- h. Improvements along the project frontage including the recommended widening of Hill Road shall be planned to accommodate the implementation of the planned bike lanes along Hill Road.

Noise Related Standards: The following noise insulation features shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA Ldn or less at residential interiors:

- a. Where project design and setbacks cannot achieve acceptable noise decibels for outdoor private open space, the project shall include noise barriers along the residential property lines of the backyards and side yards consistent with the noise study and confirmed by a qualified noise consultant. The noise barriers shall break the line-of-sight from the backyards to Hill Road. The minimum height of these barriers shall be eight feet as measured from the pad elevation of each residence. The proposed barriers shall be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three lbs/ft² (e.g., one-inch-thick wood fence boards, half-inch laminated glass, concrete masonry units, or masonry).
- b. The final design of the noise barriers to be included shall be confirmed by a qualified noise consultant.
- c. Provide a suitable form of forced-air mechanical ventilation, as determined by the Building Official, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- d. A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dBA Ldn or lower. Such methods or materials that would reduce interior noise levels may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control

treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

- e. The project applicant shall develop a noise construction control plan, which shall be submitted to the Development Services Director or Director's designee for review and approval prior to issuance of a grading or building permit. The noise construction control plan shall include but not be limited to the following construction best management controls:
- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
 - Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
 - Stationary noise sources shall be located as far from noise-sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
 - Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction when the noise barrier interrupts the line-of-sight between the noise source and receptor and when the barrier is constructed in a manner that eliminates any cracks or gaps.
 - Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
 - Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
 - Where feasible, temporary power service from local utility companies should be used instead of portable generators.
 - Locate cranes as far from noise-sensitive receptors as possible.
 - During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
 - Substitute nail guns for manual hammering, where feasible.
 - Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of two pounds per square foot (e.g., such as 0.75-inch plywood).
 - Maintain smooth vehicle pathways for trucks and equipment accessing the site, and avoid local residential neighborhoods as much as possible.
 - During interior construction, the exterior windows facing noise-sensitive receptors shall be closed.
 - During interior construction, locate noise-generating equipment within the building to break the line-of-sight to the adjoining receptors.

- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

6. Environmental Standards Required for New Development: The adopted Environmental Impact Report prepared for this New Horizons Planned Development (SCH No. 2021060587) includes Mitigation Measures that shall be implemented as conditions of approval to the Design Permit and Tentative Map for the project. In addition to the Mitigation Measures listed within the Project Environmental Impact Report, the following standard conditions shall apply and be completed prior to or during construction as depicted by each standard.

- a. Air Quality: the following standards shall be implemented during all phases of construction to control dust and exhaust at the project site:
 - i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - ii. All haul trucks transporting sial, sand or other loose material off-site shall be covered.
 - iii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - iv. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - v. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - vi. Replant vegetation in disturbed areas as soon as possible after completion of construction.
 - vii. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - viii. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - ix. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- b. Biological Resources: The proposed project that could be developed as part of this Planned Development is covered under the Habitat Plan and will be required to comply with the following:

- i. The project shall implement the following standard permit condition to ensure compliance with the Habitat Plan's nitrogen deposition fee(s). The proposed project is covered pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) and subject to fees and conditions contained in the Habitat Plan. Habitat Plan conditions applicable to the project include:
 - Condition 1. Avoid direct impacts on legally protected plant and wildlife species.
 - Condition 3. Maintain hydrologic conditions and protect water quality.
 - Condition 4. Avoidance and minimization for in-stream projects.
 - Condition 11. Stream and riparian setbacks.
 - Condition 17. Tricolored blackbird.
- ii. 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.
- iii. 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).
- iv. No development shall impede on the required 35-foot setback of the riparian habitat near the drainage channel along Hill Road.
- v. Tree Protection. Unless tree removal has been previously approved, all trees located within 25 feet of any site disturbance shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):
 - Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 - Erect a temporary fence enclosing an area equal to at least the dripline of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.
 - Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the "dripline" area of the tree.
 - Avoid root damage through grading, trenching, and compaction, at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1 inch in diameter should be exposed approximately 12 inches beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.
 - The addition of plants or other landscaping materials shall remain outside of the dripline of all trees.
 - All trees proposed to be removed from the project site shall be replaced at a 1:1 ratio. Replacement trees shall be consistent with the City of Morgan Hill

Master Street Tree. All replacement trees shall be a minimum of 15-gallons in size. All mitigation/replacement trees shall be shown on the landscape plans and approved by the Development Services Director prior to the issuance of the building/grading permit.

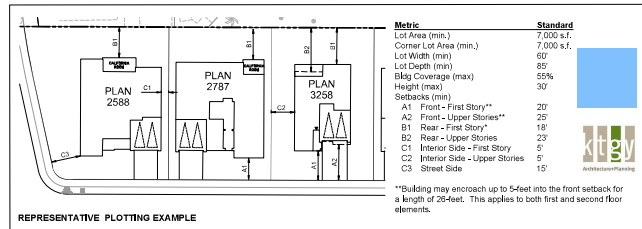
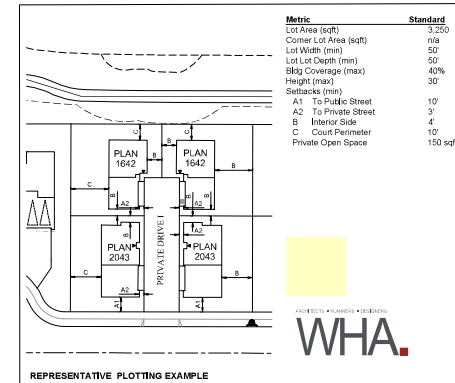
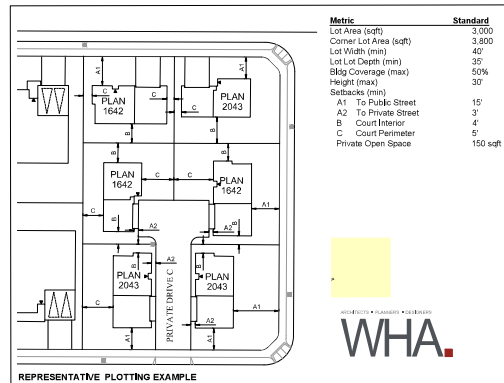
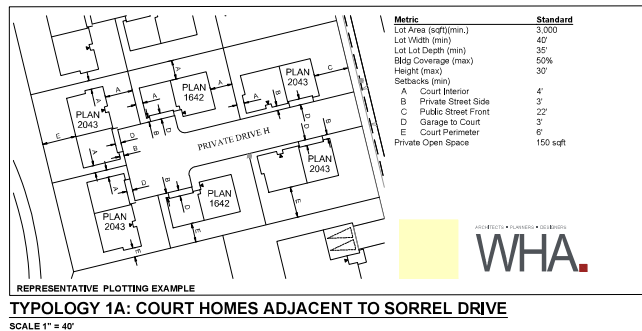
- Any tree subject to Chapter 12.32 Restrictions On Removal Of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.
- c. Energy: A project developed under this PD is required to implement the Green Building Measures as identified below.
 - i. MHMC 15.65 Sustainable building Regulations
 - ii. MHMC18.72.040 C Electric Vehicle Charging
- d. Geology and Soils: To avoid or minimize potential damage from seismic shaking, the proposed residential development shall be built using standard engineering and seismic safety design techniques. Prior to issuance of building permits, building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which shall be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. The report shall be reviewed and approved by the City of Morgan Hill Building Division prior to issuance of a building permit. The buildings shall be required to meet the requirements of applicable Building and Fire Codes, including the California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project will be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.
- e. As required by the State Water Resources Control Board (SWRCB) Order No. 2022-0057-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the State Water Resource Control Board (SWRCB) receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded for Building and Engineering Division review. The SWPPP shall be made a part of the improvement plans. (SWRCB NPDES General Permit CA000002)
- f. Hydrology and Water Quality:

- i. For the project's proposed underground stormwater infiltration systems, the project shall comply with the design criteria included in the City's Residential Development Design and Development Standards.
- ii. The project shall demonstrate compliance with the City's Flood Control/25-Year Detention Standards and any subsequent amendments to these standards.
- iii. As required by the SWRCB Order No. 2022-0057-DWQ, construction activity resulting in a land disturbance of one acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one acre, are required to obtain coverage under the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) package and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with Section A, B, and C of the General Permit prior to the commencement of soil disturbing activities. A NOI Receipt Letter assigning a Waste Discharger Identification number to the construction site will be issued after the SWRCB receives a complete NOI package (original signed NOI application, vicinity map, and permit fee); copies of the NOI Receipt Letter and SWPPP shall be forwarded to the Building and Land Development Engineering Divisions review. The SWPPP shall be made a part of the improvement plans. (SWRCB NPDES General Permit CA000002).
- iv. The project shall comply with the California Regional Water Quality Control Board Central Coast Region (Region 3) Resolution No. R3-2013-0032 and as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements, and any subsequent amendments thereto. A copy of the guidance manual can be obtained through the following link: <https://www.morgan-hill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-Guidance-Manual?bidId=>.
- v. Since the project is proposing improvements adjacent to Tennant Creek, the project shall comply with the City's adopted Santa Clara Valley Water Resource Protection Collaborative's "Guidelines and Standards for Land Use Near Streams." A copy of the guidelines and standards can be found at <https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams>.

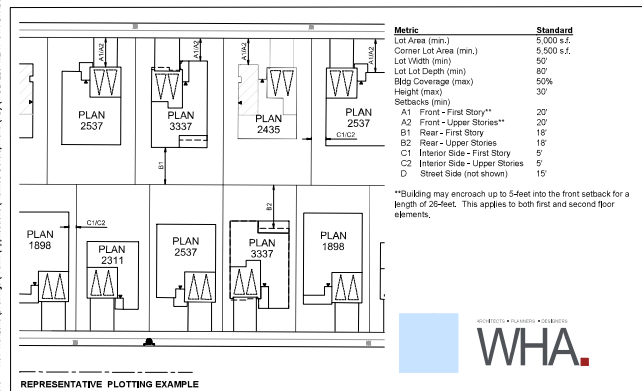
In accordance with the City of Morgan Hill Standard Conditions to reduce construction related water quality impacts the following BMPs shall be implemented during project construction.

- i. Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- ii. Earthmoving or other dust-producing activities will be suspended during periods of high winds.
- iii. All exposed or disturbed soil surfaces will be watered at least twice daily to control dust.
- iv. Stockpiles of soil or other materials that can be blown by the wind will be watered or covered.

- v. All trucks hauling soil, sand, and other loose materials will be covered and all trucks will be required to maintain at least two feet of freeboard.
 - vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction site will be swept daily (with water sweepers).
 - vii. Vegetation in disturbed areas will be replanted as quickly as possible.
- 7. Sanitary Sewer Capacity Study:** The project is required to complete a Sanitary Sewer Capacity Study. The Study will be performed by the City's sewer master plan consultant. The property owner or designee is responsible for all costs associated with a study. When it is determined that there is no available capacity in the existing sewer line(s), the City will determine the required mitigations(s) at Design Review stage.
- 8. Setbacks and Height Standards based on lot type:** Refer to Attachment A for the lot standards and restricted heights.
- 9. PD Master Plan:** Development on this site shall be in substantial conformance with the approved stamped plans and attached herein as Attachment B.



TYPOLOGY 2: LARGE LOT SINGLE FAMILY LOTS
SCALE 1" = 40'



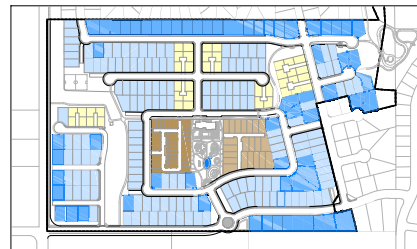
TYPOLOGY 2: 5,000 SQFT AND 6,000 SQFT TRADITIONAL SINGLE FAMILY LOTS
SCALE 1" = 40'

TYPOLOGY 1B: COURT HOMES AT ENDS OF BLOCKS
SCALE 1" = 40'



TYPOLOGY 4: SENIOR DUETS
SCALE 1" = 40'

TYPOLOGY 3: COTTAGE LOTS
SCALE 1" = 40'



KEY MAP

NTS

GENERAL NOTES (ALL TYPOLOGIES)

1. Minimum lot frontage is 40-feet per Municipal Code section 18.16.030.E., except as shown on lot 39 within this plan set.
2. For Typology 2, a portion of the building is allowed to project up to five (5) feet into the front yard setback. See Municipal Code section 18.16.030.D. This applies to first and second floors.
3. Outdoor rooms within Typology 2 must comply with rear yard setbacks.
4. "Standard" distances shown on this sheet are measured to face of stud, Sheathing and exterior finishes (trim, siding, stucco, etc.) may encroach into the setbacks shown on this exhibit.

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO.	202013-001
DATE	3/24/2023
SCALE	AS SHOWN

PD-04

ZA2021-0001

W:\J085 2020\202013 - NEW HORIZONS\DRAWINGS\PRELIM\APPLICATIONS\PLANNED DEVELOPMENT (PD)\5. PARKING EXHIBIT.DWG
4/21/2021 8:44 AM



LEGEND AND NOTES

PARKING REQUIRED (MHMC 18.72):		YIELD	COUNT
1. SINGLE FAMILY		265	
2 COVERED SPACES/UNIT			530
0.25 GUEST SPACES/UNIT			67
			597
2. SINGLE FAMILY - SENIOR		55	
2 COVERED SPACES FOR 50% OF UNITS			55
1 COVERED SPACES FOR 50% OF UNITS			28
0.25 GUEST SPACES/UNIT			14
			97

320

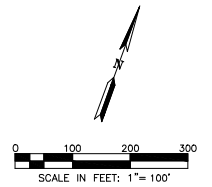
COVERED PARKING	613
OPEN PARKING	81
TOTAL	694

PROVIDED PARKING

GARAGE (COVERED)	632
APRON (OPEN)*	538
STREET CURB-SIDE	380
PARKING BAYS (COVERED)	0
PARKING BAYS (OPEN)	12
DUET PLAN 1 CAR PORT (OPEN)	8
REC CENTER (OPEN)	0

TOTAL COVERED	632
TOTAL OPEN	938
TOTAL PARKING	1,570

*42-COURT HOMES, 26 SENIOR DUETS & 21 SENIOR SINGLE FAMILY LOTS HAVE NO APRON SPACES



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-05
ZA2021-0001

PLANNED DEVELOPMENT APPLICATION
NEW HORIZONS
MORGAN HILL, DISTRICT D, SANTA CLARA COUNTY, CALIFORNIA

CONTACT INFORMATION

APPLICANT: MORGAN HILL DEVCO, LLC
14500 SYCAMORE DRIVE
MORGAN HILL, CA 95037
CONTACT: ROCKE GARCIA
(408) 710-2953

CIVIL ENGINEER: RUGGERI-JENSEN-AZAR & ASSOCIATES
8055 CAMINO ARROYO
GILROY, CA 95020
ENGINEERING: CHRIS PATTON, RCE 66271
PLANNING: ROSS DOYLE
(408) 848-0300

PLANNING: DPC
2424 CALLE GALICIA
SANTA BARBARA, CA 93109
CONTACT: VINCE BURGOS
(408) 421-6295

LANDSCAPE ARCHITECT: CAMP & CAMP ASSOCIATES, INC.
2520 CAMINO DIABLO
WALNUT CREEK, CA 94597
CONTACT: TERRY CAMP
(925) 941-6490

ARCHITECT: (SENIOR DUETS & COTTAGES)

BASSENIAN - LAGONI
2031 ORCHARD DRIVE
NEWPORT BEACH, CA 92660
CONTACT: CINDY TEALE
(949) 553-9100

ARCHITECT: (SINGLE FAMILY, COURTYARD HOMES)

WILLIAM HEZMEHALCH ARCHITECTS
5000 EXECUTIVE PKWY, SUITE 375
SAN RAMON, CA 94583
CONTACT: MARK RETHERFORD
(925) 463-1700

ARCHITECT: (SINGLE FAMILY)

KTGY
1814 FRANKLIN STREET, #400
OAKLAND, CA 94612
CONTACT: AMANDA MAZZEI
(510) 463-2010

LANDSCAPE ARCHITECT

RIPLEY DESIGN GROUP
1615 BONANZA STREET, #314
WALNUT CREEK, CA 94596
CONTACT: ANNIKA CARPENTER
(925) 938-7377

SITE DATA

- SUBJECT PARCEL(S): 817-20-031
- CURRENT LAND USE: FALLOW, VACANT
- ZONING: RESIDENTIAL MEDIUM DENSITY 7,000 (PD)
- GENERAL PLAN: RESIDENTIAL DETACHED MEDIUM (0-7 DU/AC)
- PROPOSED LAND USE: RESIDENTIAL

BUILDOUT TABULATION:	
EXISTING GROSS AREA	69.4± AC
EXISTING R/W TO BE ABANDONED	0.04± AC
SUBTOTAL (NEW GROSS AREA)	69.5± AC
PROPOSED PRIVATE OPEN SPACE	6.1± AC
PROPOSED PUBLIC STREET DEDICATION	13.6± AC
PROPOSED PRIVATE STREETS	3.6± AC
PROPOSED RESIDENTIAL LOTS (1-320)	40.1± AC
PUBLIC PARK/OS DEDICATION	2.2± AC
TENNANT CHANNEL + SETBACK	3.80±AC
POTENTIAL MHUSD PARCEL (PCL A)	0.4± AC
TOTAL	69.5± AC

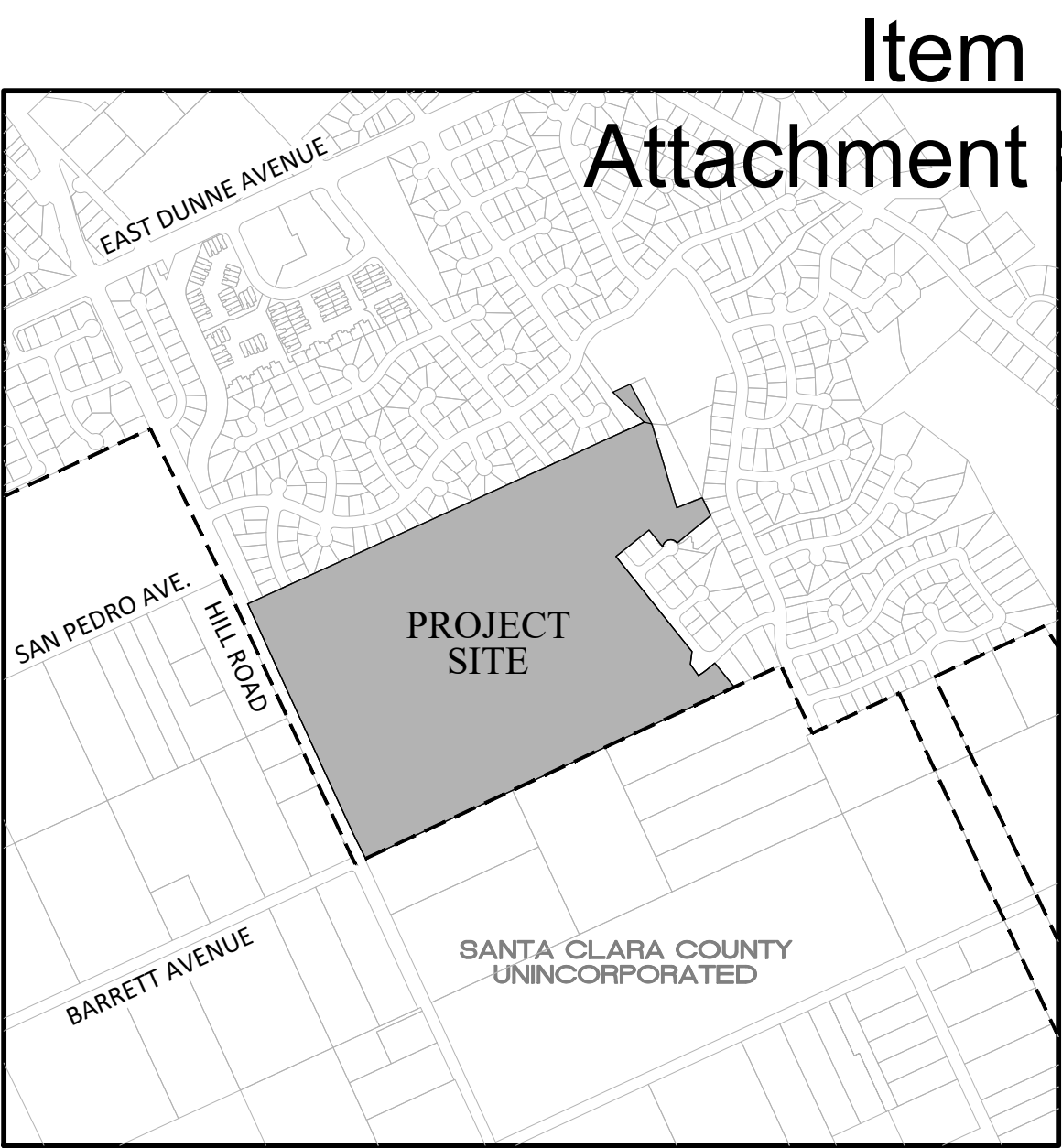
- UTILITIES:
 - WATER: CITY OF MORGAN HILL
 - SANITARY SEWER: CITY OF MORGAN HILL
 - STORM DRAIN: CITY OF MORGAN HILL
 - GAS & ELECTRIC: PG&E
 - TELEPHONE: VERIZON
- PRELIMINARY EARTHWORK SUMMARY (APPROX.):
 - CUT: 85,000 CY±
 - FILL: 85,000 CY±
 - NET: 0 CY± (BALANCED)

PROJECT DATA

- THIS IS A RESIDENTIAL PROJECT CONSISTING OF 320 NEW HOMES OF FOUR OWNERSHIP HOUSING TYPES:
- 223 SINGLE FAMILY DETACHED (5,000; 6,000 AND 7,000 SQFT LOTS)
 - 42 COURTYARD STYLE HOMES
 - 21 SENIOR COTTAGES (FOR SALE)
 - 34 SENIOR DUETS (FOR SALE)

- IN-TRACT IMPROVEMENTS CONSIST OF THE FOLLOWING ELEMENTS:
- PUBLIC CIRCULATION NETWORK AND PRIVATE STREETS, COURTS AND ALLEYS
 - ACTIVE AND PASSIVE OPEN SPACE AND AMENITIES, FEATURING A CENTRALLY-LOCATED CLUBHOUSE AND POOL
 - CURB-SIDE AND BAY SHARED PARKING
 - JACKSON TRAIL

- OFF-SITE IMPROVEMENTS CONSIST OF THE FOLLOWING:
- RE-ALIGNMENT OF BARRETT ROAD BETWEEN SORREL WAY AND HILL ROAD
 - HILL ROAD HALF STREET IMPROVEMENTS
 - JACKSON PARK IMPROVEMENTS



VICINITY MAP

COMPREHENSIVE SITE PLAN EXHIBITS

PD-01	TITLE SHEET
PD-02	EXISTING CONDITIONS
PD-03	COMPREHENSIVE SITE PLAN
PD-04	DEVELOPMENT STANDARDS
PD-05	PRELIMINARY PHASING PLAN
PD-06	PRELIMINARY STAGING PLAN

SENIOR HOUSING AND AMENITIES EXHIBITS

PD-07	COMPREHENSIVE SITE PLAN
12 SHEETS	SENIOR DUETS AND COTTAGES (SINGLE FAMILY DETACHED) (BASSENIAN-LAGONI)

TRADITIONAL HOUSING AND AMENITIES EXHIBITS

PD-08	COMPREHENSIVE SITE PLAN
PD-09	SITE PLAN - NORTHWEST
PD-10	SITE PLAN - NORTHEAST
PD-11	SITE PLAN - SOUTHWEST
PD-12	SITE PLAN - SOUTHEAST
62 SHEETS	TRADITIONAL AND COURT-HOME STYLE SINGLE FAMILY DETACHED HOMES (KTGY, WHA)

PROJECT BENEFITS

L-1	PARKS, OPEN SPACE AND TRAILS EXHIBIT
L-2A	COMMUNITY ENTRY AND PARK EXHIBIT
L-2B	COMMUNITY CLUBHOUSE EXHIBIT
L-2C	NEW HORIZONS PARK EXHIBIT
L-3	JACKSON PARK RENOVATION EXHIBIT
L-3A	JACKSON PARK RENOVATION EXHIBIT
L-4A	NEW HORIZONS TRAIL EXHIBIT
L-4B	RIPARIAN PLANT PALETTE
L-5	NEW HORIZONS TRAIL AT SENIOR COTTAGES
L-6	TYPICAL MAIL STATION
L-7	MONUMENT SIGN EXHIBIT
A4.1-A4.3	CLUBHOUSE AND OUTDOOR FITNESS FLOOR PLANS AND ELEVATIONS

CIVIL ENGINEERING

PD-13	EXISTING CONDITIONS
PD-14	STREET SECTIONS
PD-15	STREET SECTIONS
PD-16	PRELIMINARY GRADING - NORTHWEST
PD-17	PRELIMINARY GRADING - NORTHEAST
PD-18	PRELIMINARY GRADING - SOUTHWEST
PD-19	PRELIMINARY GRADING - SOUTHEAST
PD-20	GRADING SECTIONS



NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC



Development Process Consultants



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-01

ZA2021-0001



NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

EXISTING CONDITIONS



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-02
ZA2021-0001

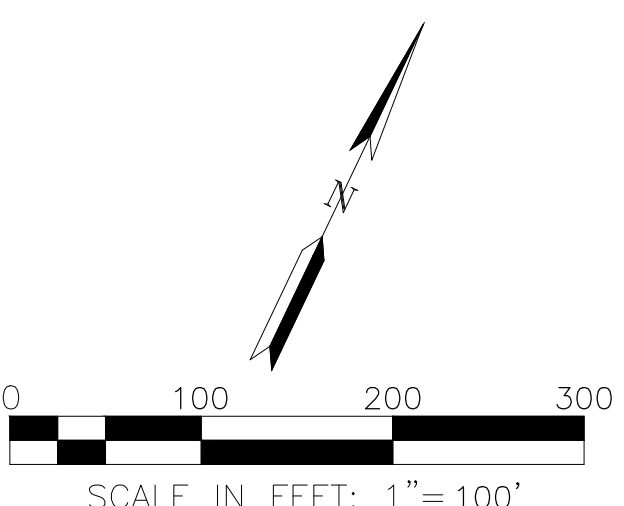


Site Information	
Current Designation	Residential Medium Density (0-7 du/ac)
Proposed Designation	No change
Current Zoning	Residential Medium Density 7,000 (PD)
Proposed Zoning	No Change
Housing Types	
Traditional single-family homes	223
Courtyard homes	42
Senior cottages	21
Senior single-family attached	34
	320

Inclusionary Housing Ordinance Compliance Summary		
Required	320 homes @ 15% = 48 homes	
Provided	Senior Duets (Ownership) (Moderate, 110% AMI)	33 DT
	Courtyard Homes (Ownership) (Moderate, 110% AMI)	6 CH
The balance of the requirement, nine homes, will be satisfied by in-lieu fees.		

Housing Opportunities Summary	
Single Story Homes (60)	SS
Single Family Homes with Junior ADU (23)	JADU
Accessory Dwelling Unit (attached)	ADU

- Legend and Notes
- Tree to remain
 - ✱ Tree to be removed
 - Public trail alignment



Notes
1. Parcel configuration and street sections are preliminary and subject to refinement.

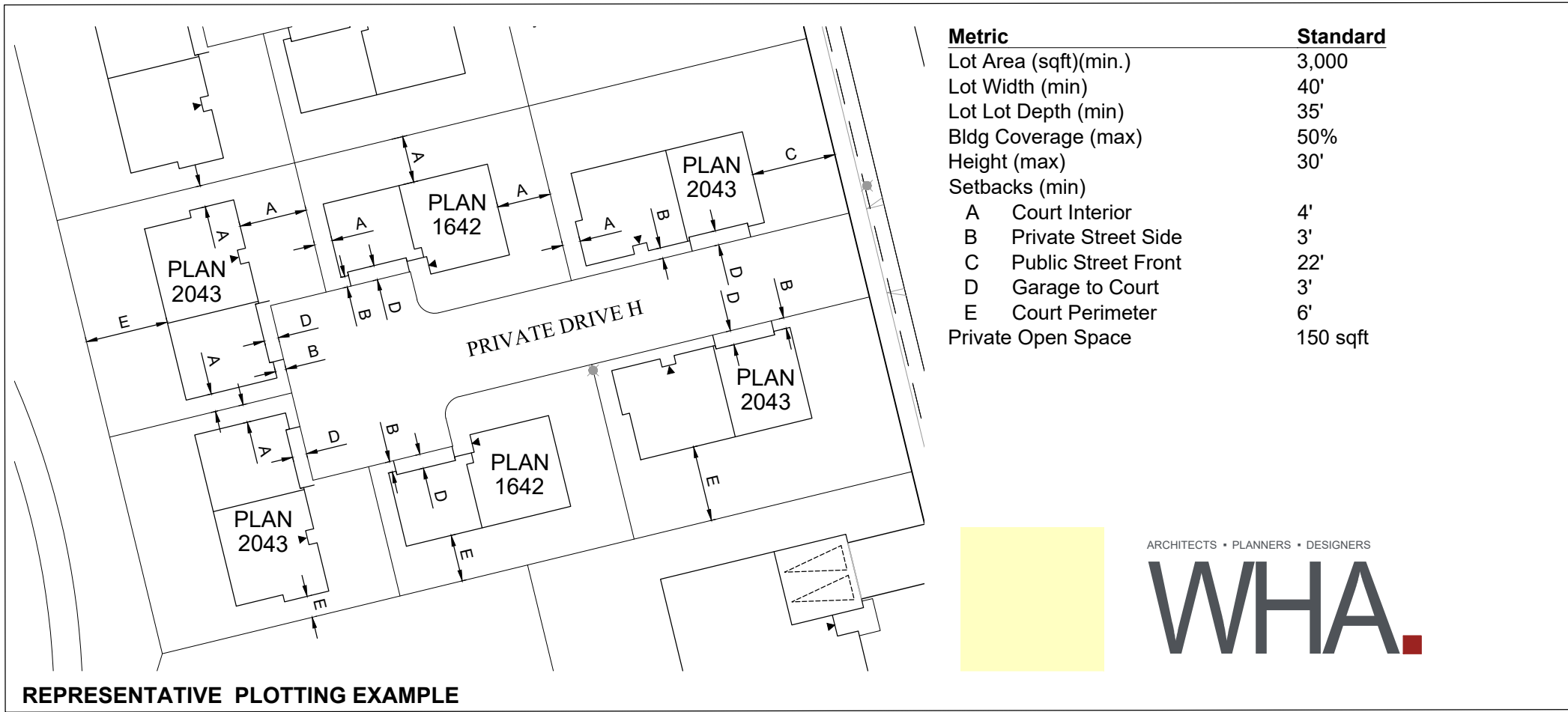
NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

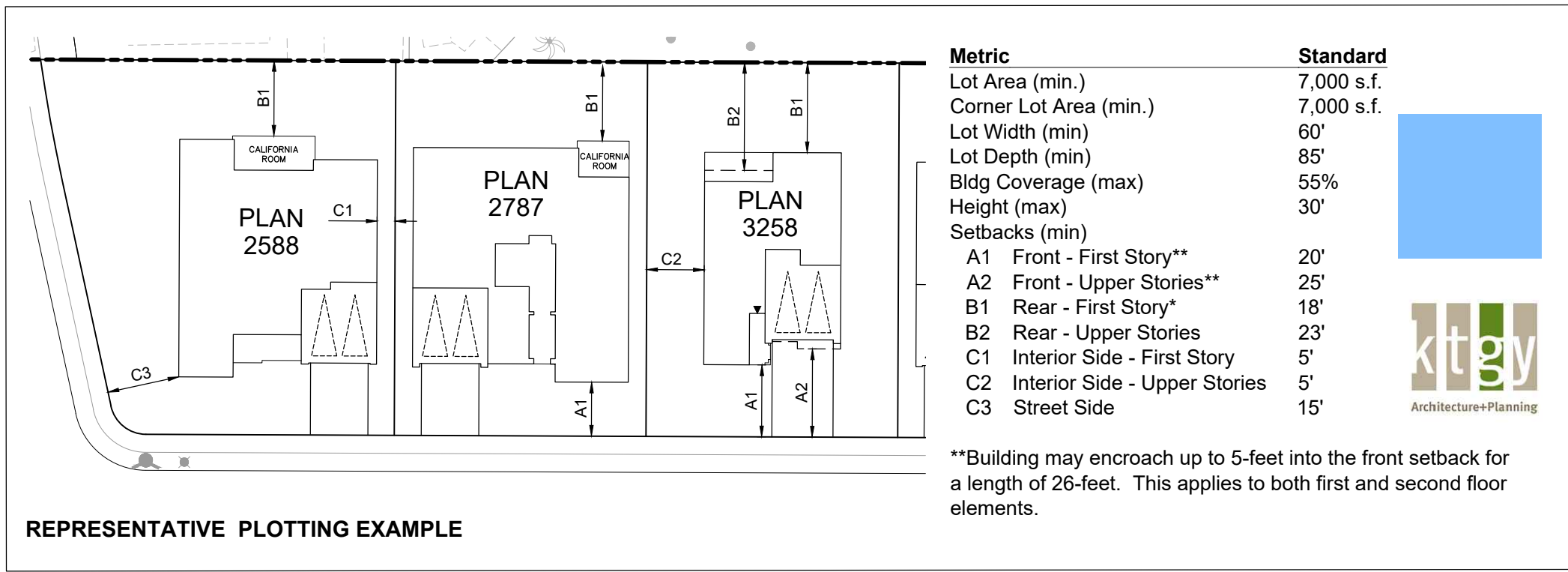
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ZA2021-0001

PLOT DATE: March 21, 2023
 FILE PATH: W:\Users\20\202013 - New Horizons\Drawings\Prim\Applications\Planned Development (PD)\4 DEVELOPMENT STANDARDS-PD.dwg



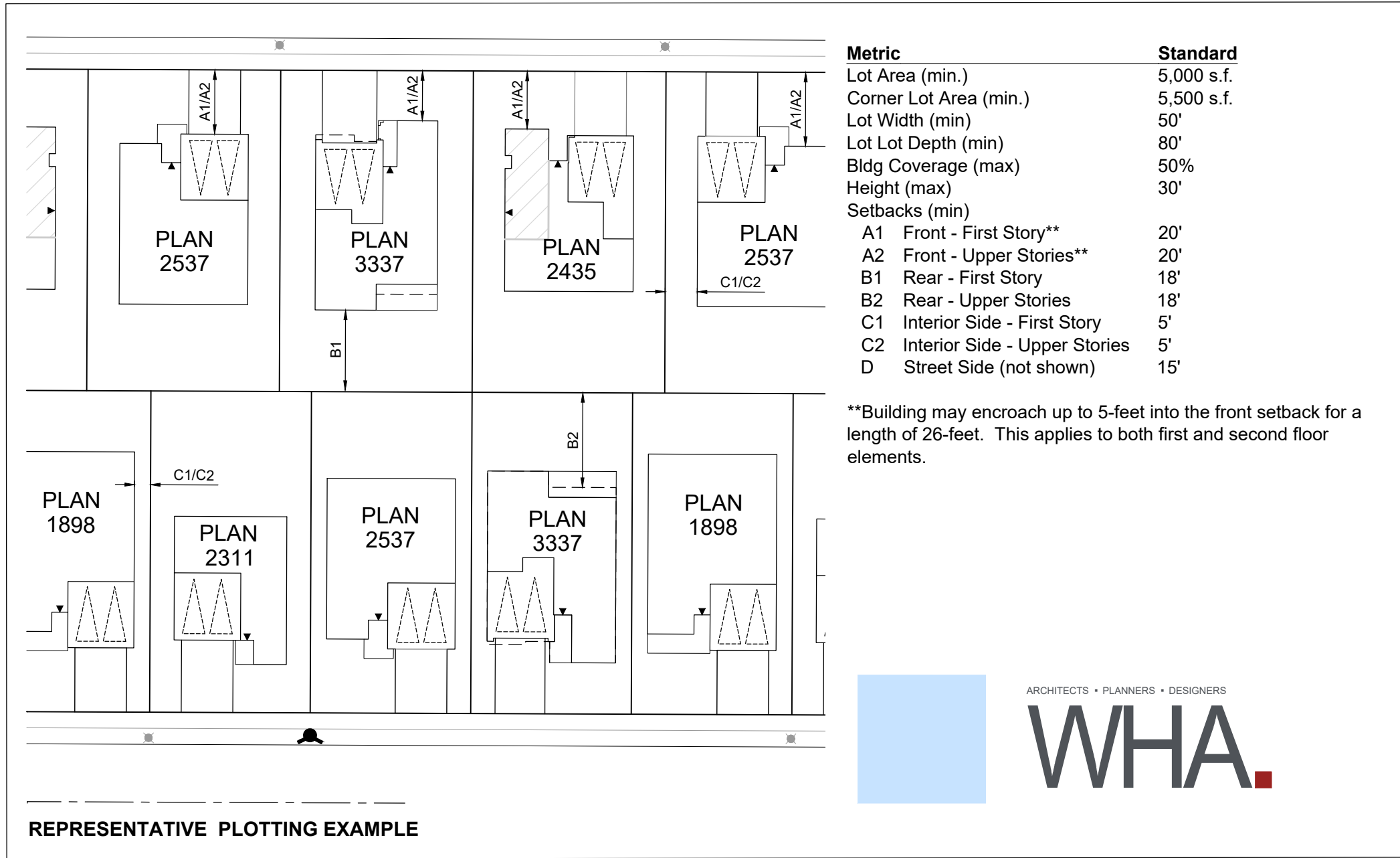
TYPELOGY 1A: COURT HOMES ADJACENT TO SORREL DRIVE

SCALE 1" = 40'



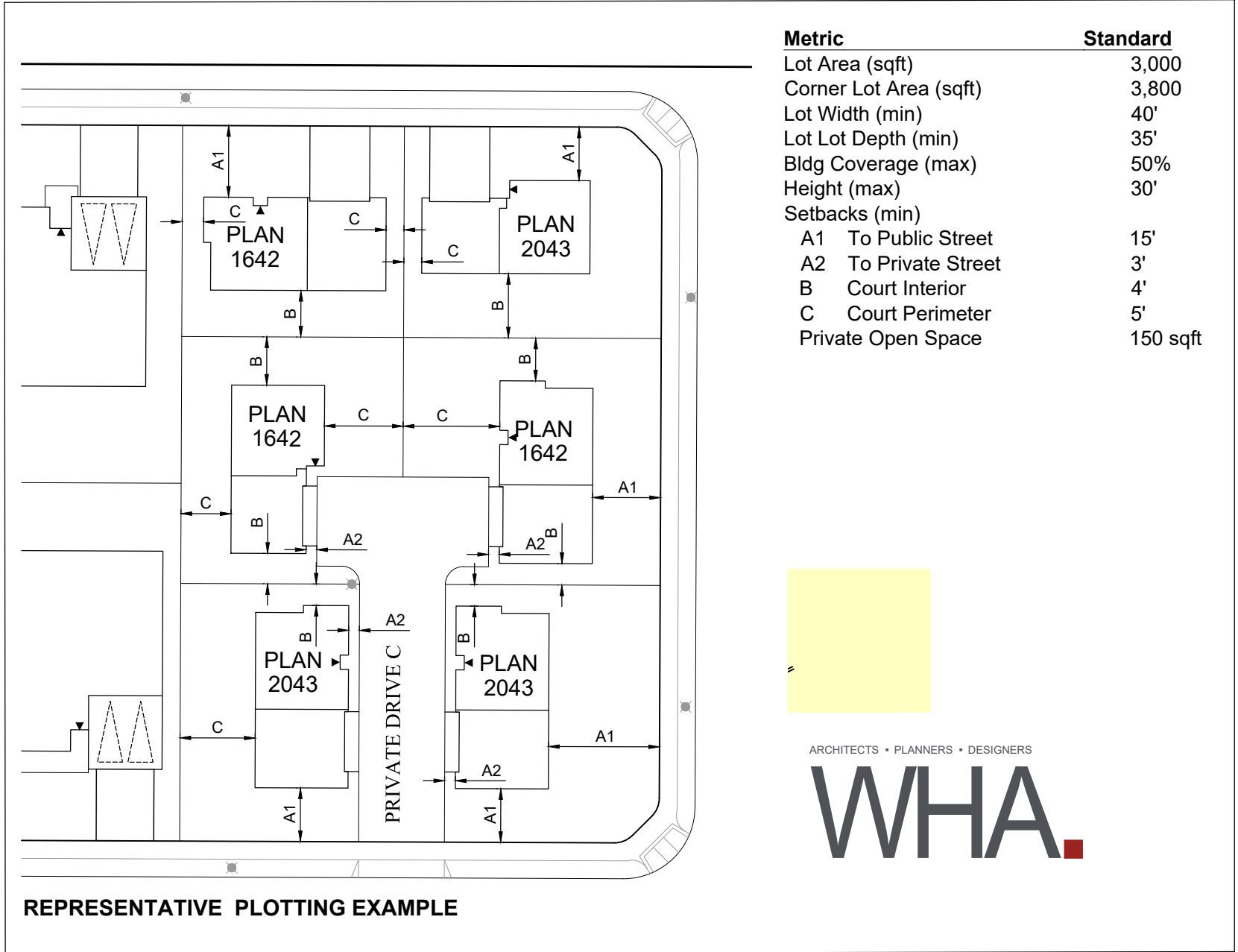
TYPELOGY 2: LARGE LOT SINGLE FAMILY LOTS

SCALE 1" = 40'



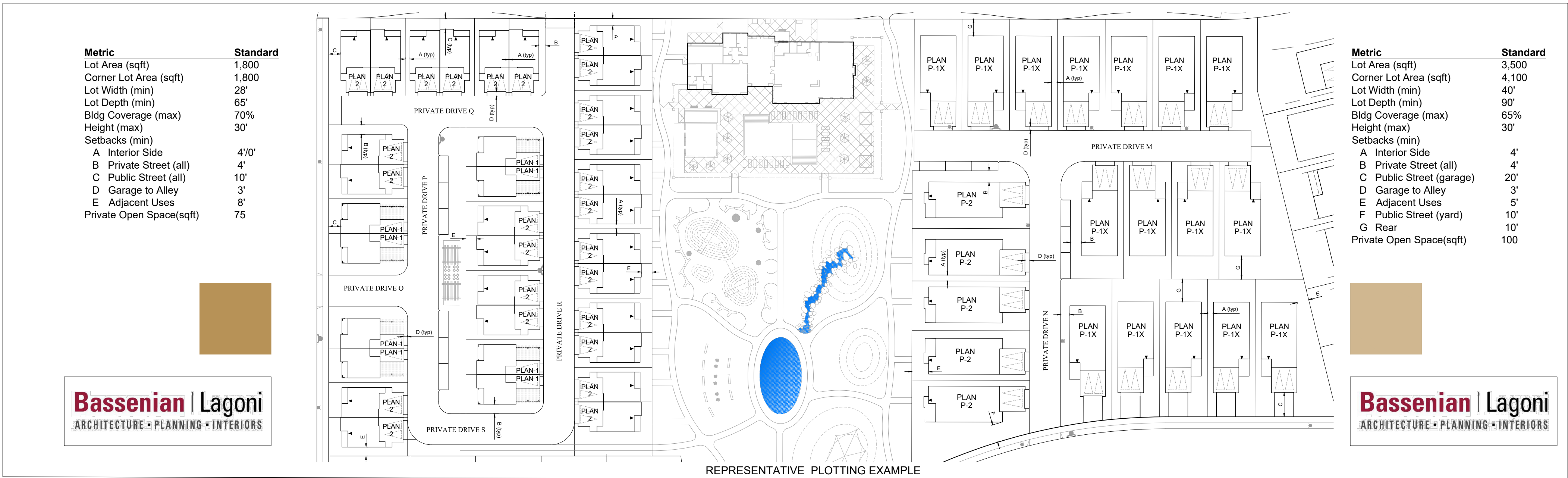
TYPELOGY 2: 5,000 SQFT AND 6,000 SQFT TRADITIONAL SINGLE FAMILY LOTS

SCALE 1" = 40'



TYPELOGY 1B: COURT HOMES AT ENDS OF BLOCKS

SCALE 1" = 40'

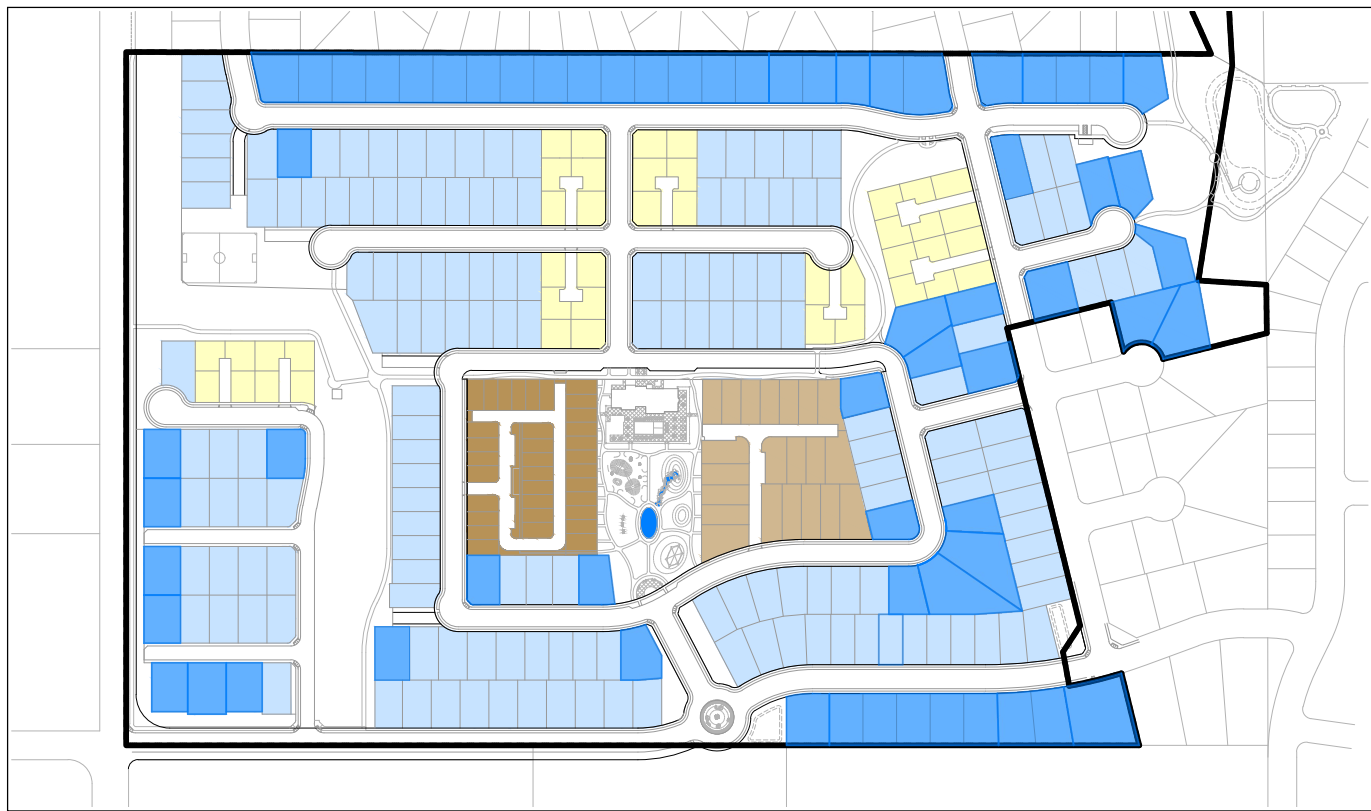


TYPELOGY 3: COTTAGE LOTS

SCALE 1" = 40'

TYPELOGY 4: SENIOR DUETS

SCALE 1" = 40'



KEY MAP
 NTS

GENERAL NOTES (ALL TYPOLOGIES)

- Minimum lot frontage is 40-feet per Municipal Code section 18.16.030.E., except as shown on lot 39 within this plan set.
- For Typology 2, a portion of the building is allowed to project up to five (5) feet into the front yard setback. See Municipal Code section 18.16.030.D. This applies to first and second floors.
- Outdoor rooms within Typology 2 must comply with rear yard setbacks.
- "Standard" distances shown on this sheet are measured to face of stud. Sheathing and exterior finishes (trim, siding, stucco, etc.) may encroach into the setbacks shown on this exhibit.

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
 DATE 3/24/2023
 SCALE AS SHOWN

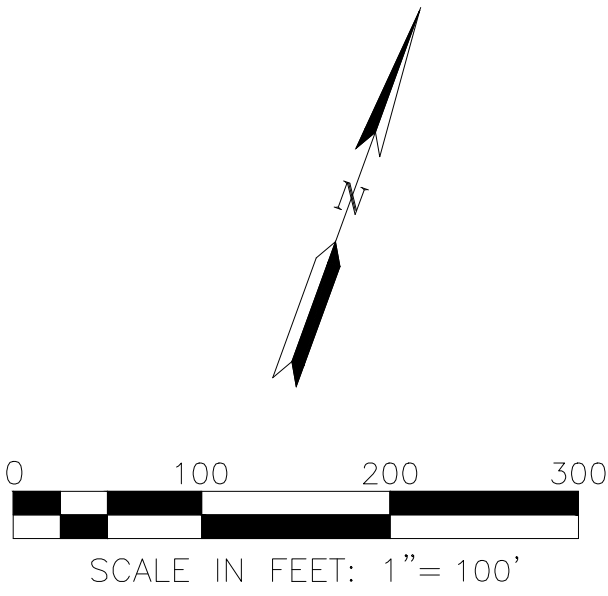
PD-04

ZA2021-0001

W:\JOBS 20\202013 - NEW HORIZONS\DRAWINGS\PRELIM\APPLICATIONS\PLANNED DEVELOPMENT (PD)\S PARKING EXHIBIT.DWG
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LEGEND AND NOTES			
PARKING REQUIRED (MHMC 18.72):		YIELD	COUNT
1. SINGLE FAMILY		265	
2 COVERED SPACES/UNIT			530
0.25 GUEST SPACES/UNIT			67
			597
2. SINGLE FAMILY - SENIOR		55	
2 COVERED SPACES FOR 50% OF UNITS			55
1 COVERED SPACED FOR 50% OF UNITS			28
0.25 GUEST SPACES/UNIT			14
			97
		320	
COVERED PARKING			613
OPEN PARKING			81
TOTAL			694
PROVIDED PARKING			
GARAGE (COVERED)			632
APRON (OPEN)*			538
STREET CURB-SIDE			380
PARKING BAYS (COVERED)			0
PARKING BAYS (OPEN)			12
DUET PLAN 1 CAR PORT (OPEN)			8
REC CENTER (OPEN)			0
TOTAL COVERED			632
TOTAL OPEN			938
TOTAL PARKING			1,570
*42-COURT HOMES, 26 SENIOR DUETS & 21 SENIOR SINGLE FAMILY LOTS HAVE NO APRON SPACES			



NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

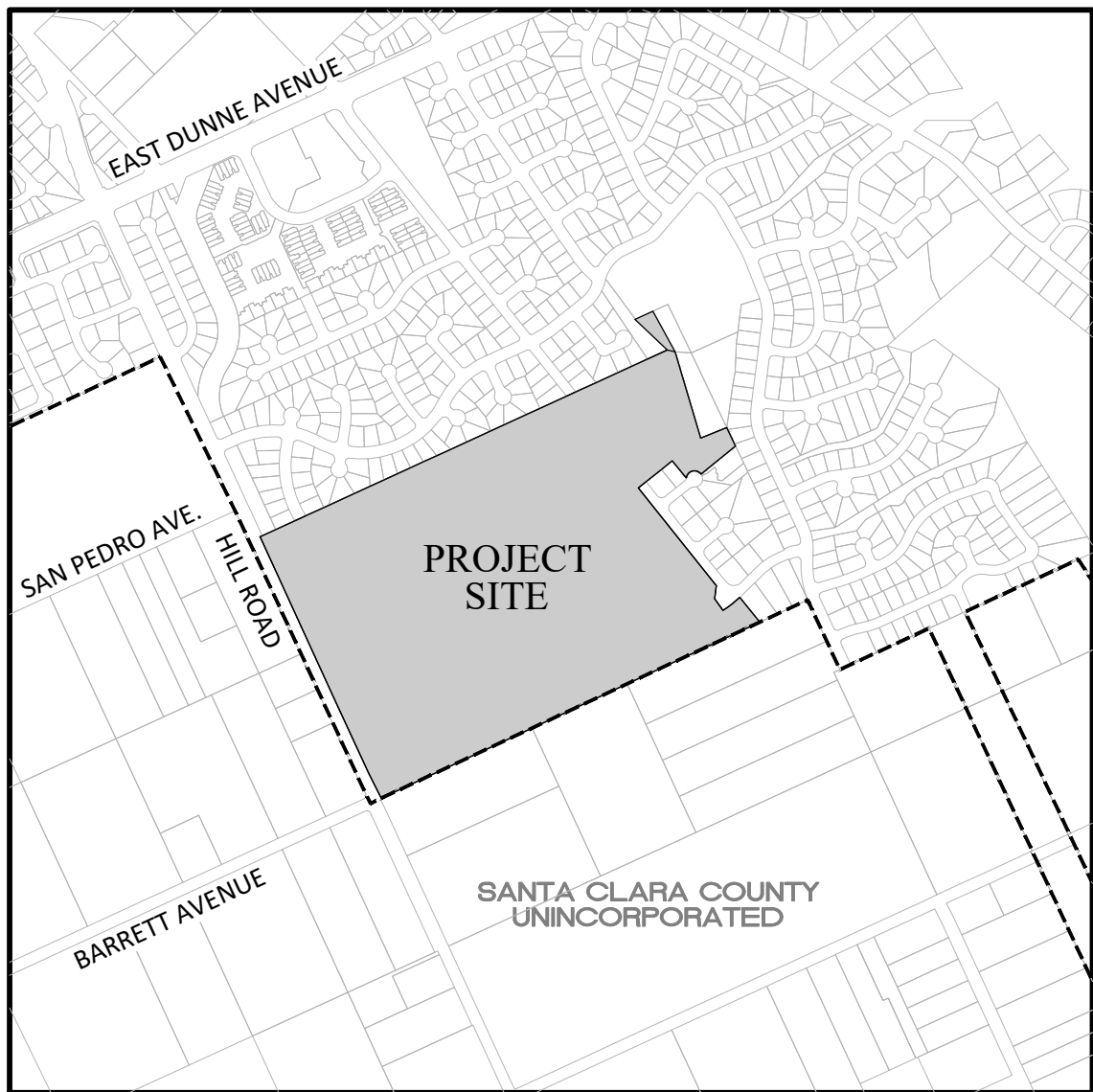


JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-05

ZA2021-0001

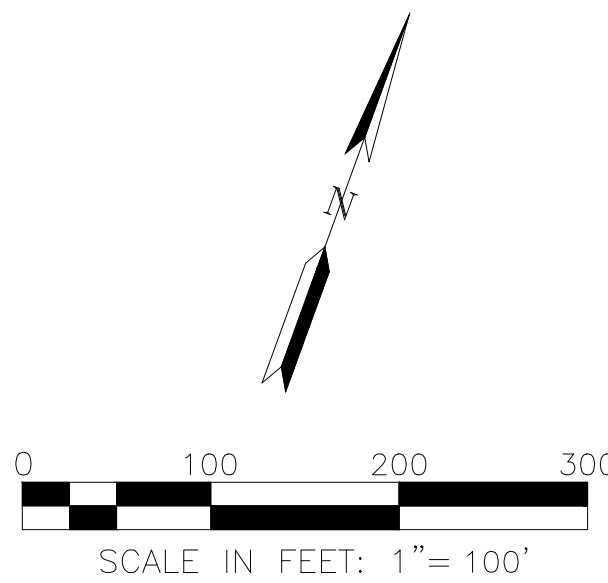
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VICINITY MAP

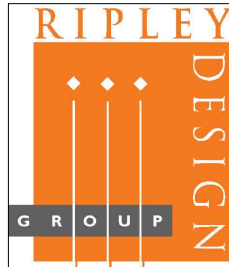
LEGEND AND NOTES

- STAGE 1: IN-TRACT AND OFF-SITE IMPROVEMENTS
- STAGE 2: RECREATIONAL AND PASSIVE AMENITIES
- STAGE 3: SENIOR HOUSING (COTTAGES AND DUETS)
- STAGE 4: PHASED RESIDENTIAL DEVELOPMENT



Notes
1. Off-site right-of-way for the future Hill/Barrett roundabout to be obtained by the City of Morgan Hill.

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-06
ZA2021-0001

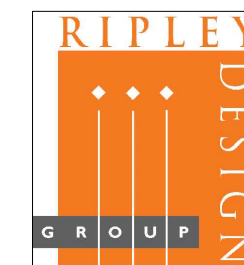
PLOT DATE: March 23, 2023
FILE PATH: W:\Jobs\20\202013 - New Horizons\Drawings\Prelim\Applications\Planned Development (PD)\7 SITE PLAN-SENIORS.dwg

Notes

1. Parcel configuration and street sections are preliminary and subject to refinement.

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001

DATE 3/24/2023

SCALE AS SHOWN

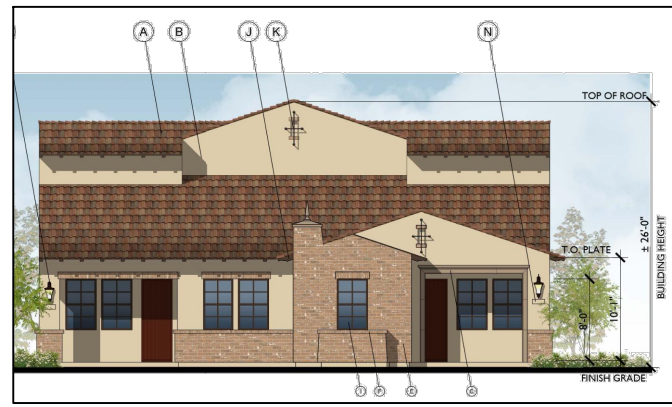
PD-07

ZA2021-0001

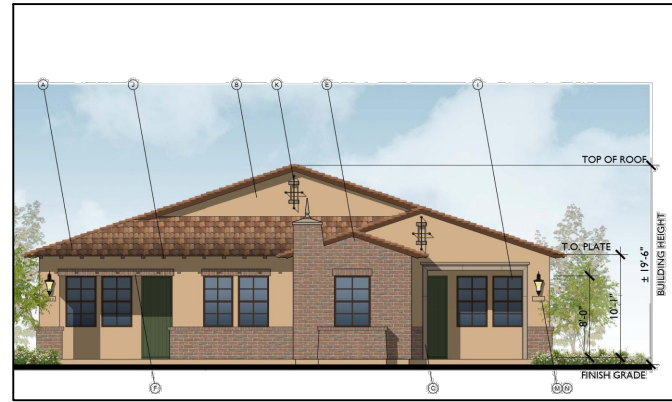
TRAIL ACTIVATION
ENTRIES AND PORCHES
FRONT PUBLIC TRAIL

DIRECT ACCESS TO PUBLIC
TRAIL AND HILL ROAD

DUET PLAN 2
TWO-STORY
2 BED/2 BATH
+ 2 CAR GARAGE



SS DUET PLAN 1
ONE-STORY
1 BED/1 BATH
+ 1 CAR GARAGE
+ 1 CARPORT



DIRECT ACCESS TO
CENTRAL PARK AMENITIES

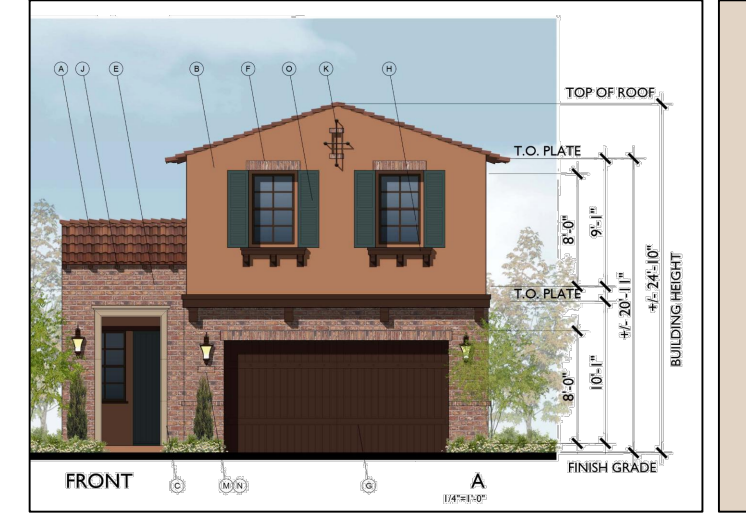
33 - AGE-RESTRICTED HOMES
AVAILABLE AT MODERATE
INCOME LEVEL (110% OF AMI)

CURB-SIDE TEMPORARY PARKING
FOR DELIVERY SERVICES

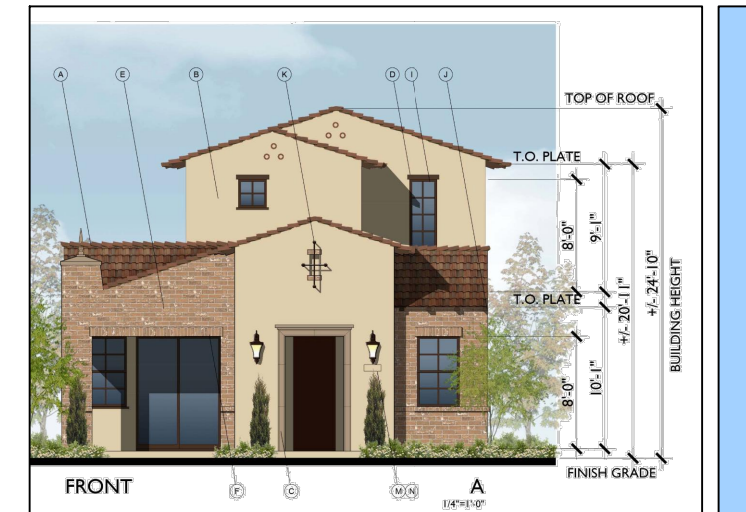
DIRECT ACCESS TO PUBLIC
TRAIL AND HILL ROAD

TRAIL ACTIVATION
ENTRIES AND PORCHES
FRONT PUBLIC TRAIL

COTTAGE PLAN 1X SS
ONE-STORY
2 BED/2 BATH
+ 2 CAR GARAGE



COTTAGE PLAN 2 SS
ONE-STORY
3 BED/2 BATH
+ 2 CAR GARAGE



DIRECT ACCESS TO
CENTRAL PARK AMENITIES

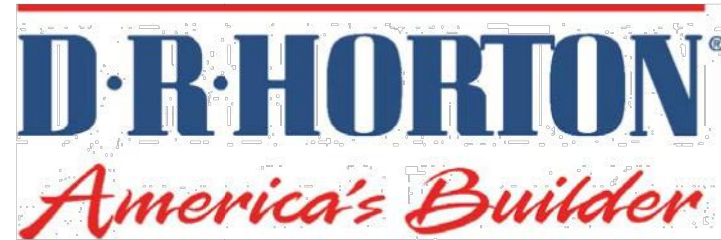
▲ 21 - ATTACHED ADU (STANDARD)



SENIOR HOUSING SITE PLAN

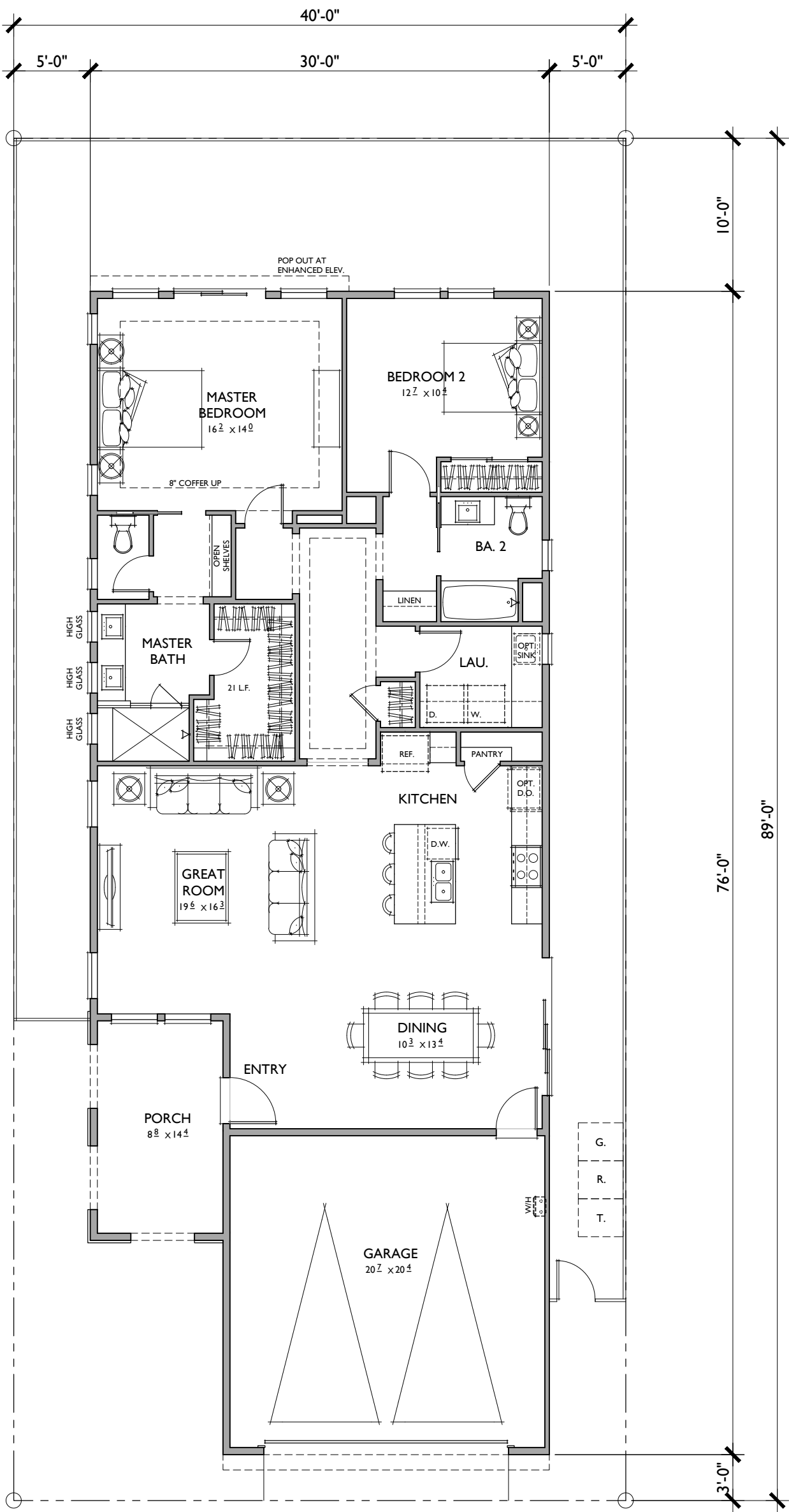
NEW HORIZONS AT MORGAN HILL

BY D.R. HORTON

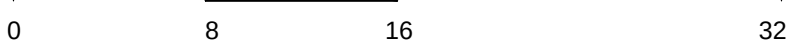


JOB NO. 233-034
DATE 03-12-21
2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100

A3.1



1 PLAN 1 - FIRST FLOOR
SCALE: 1/8" = 1'-0"



PLAN 1

1,590 SQ. FT.
TARGET: 1,550 SQ. FT.
2 BEDROOMS / 2 BATHS
2 - CAR GARAGE

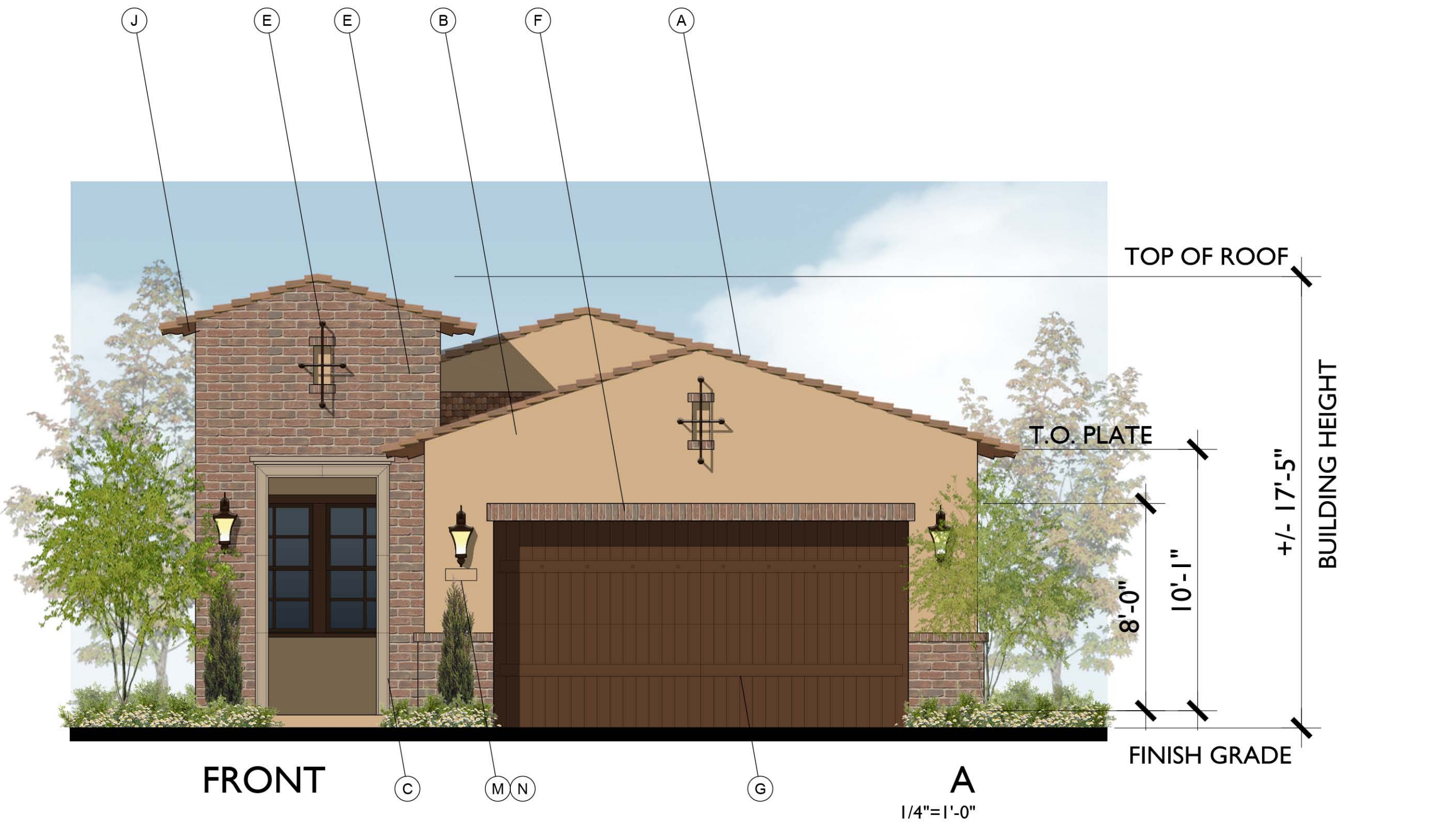
FLOOR AREA TABLE

1ST FLOOR	1,590 SQ. FT.
2 - CAR GARAGE	444 SQ. FT.
PORCH	124 SQ. FT.

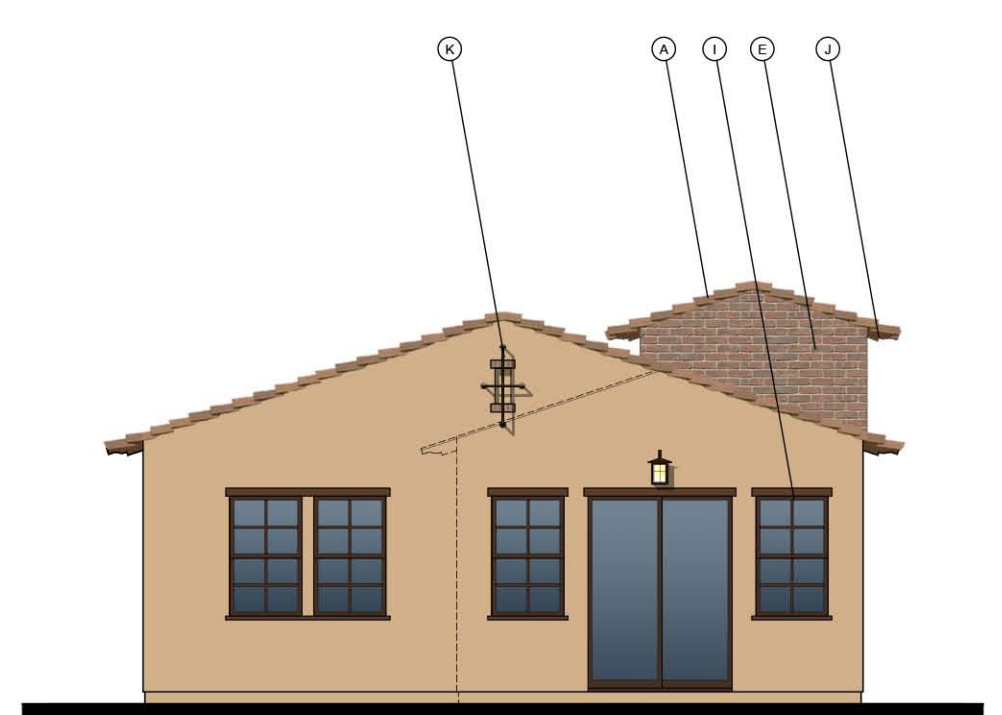
NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

COTTAGES FLOOR PLAN & ELEVATIONS EARLY CALIFORNIA

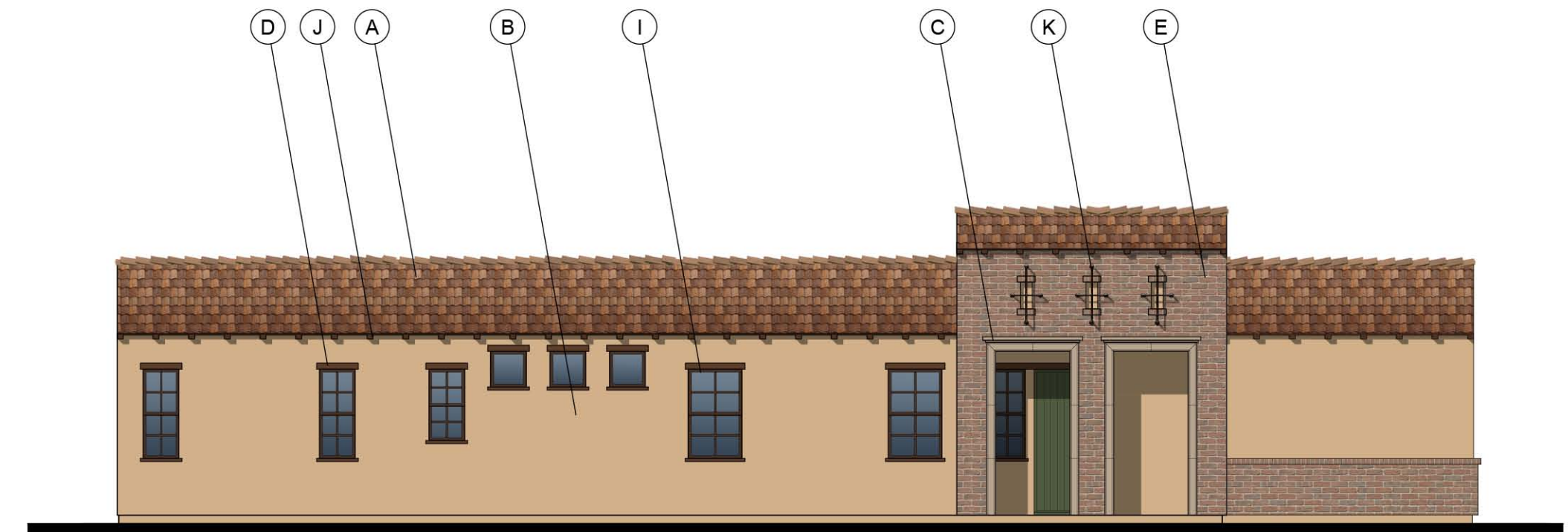
- MATERIAL LEGEND
- A. CONCRETE 'S' TILE
 - B. STUCCO FINISH
 - C. SIMULATED PRECAST TRIM
 - D. FOAM TRIM
 - E. BRICK VENEER
 - F. BRICK HEADER TRIM
 - G. ROLL UP GARAGE DOOR
 - H. FOAM POTSHELF
 - I. VINYL WINDOW
 - J. RAFTER TAILS
 - K. WROUGHT IRON DETAILS
 - L. DECORATIVE FOAM DETAILS
 - M. LIGHT FIXTURE
 - N. ADDRESS SIGN
 - O. SHUTTERS



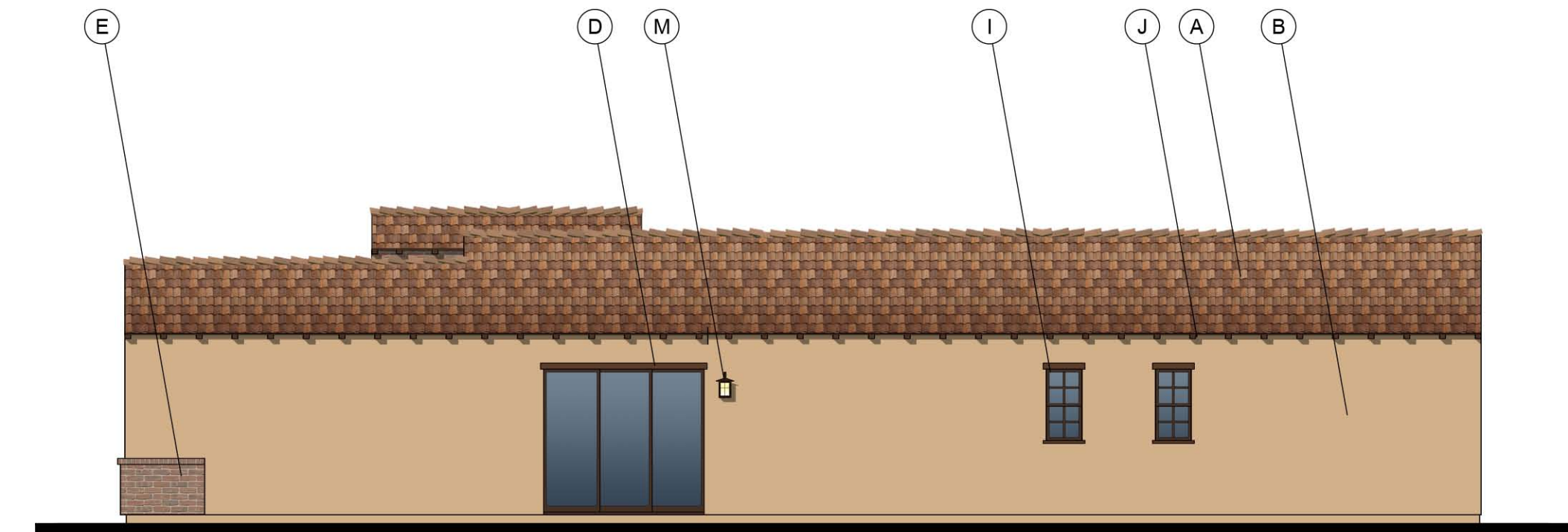
1 PLAN 1 - FRONT ELEVATION
SCALE: 1/4" = 1'-0"



4 PLAN 1 - REAR ELEVATION
SCALE: 1/8" = 1'-0"



3 PLAN 1 - LEFT ELEVATION
SCALE: 1/8" = 1'-0"



2 PLAN 1 - RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

PLAN 1

1,590 SQ. FT.
TARGET: 1,550 SQ. FT.
2 BEDROOMS / 2 BATHS
2 - CAR GARAGE

FLOOR AREA TABLE	
1ST FLOOR	1,590 SQ. FT.
2 - CAR GARAGE	444 SQ. FT.
PORCH	124 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

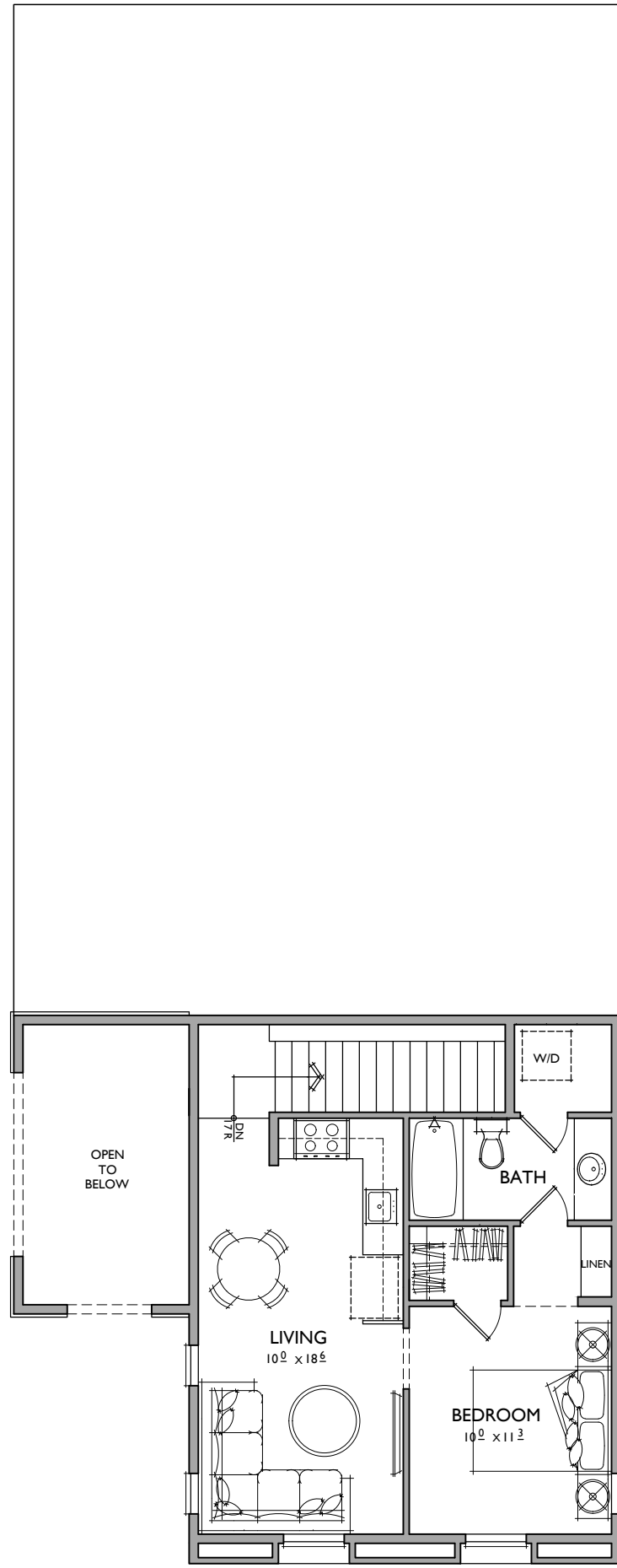
COTTAGES
FLOOR PLAN & ELEVATIONS
EARLY CALIFORNIA

NEW HORIZONS AT MORGAN HILL

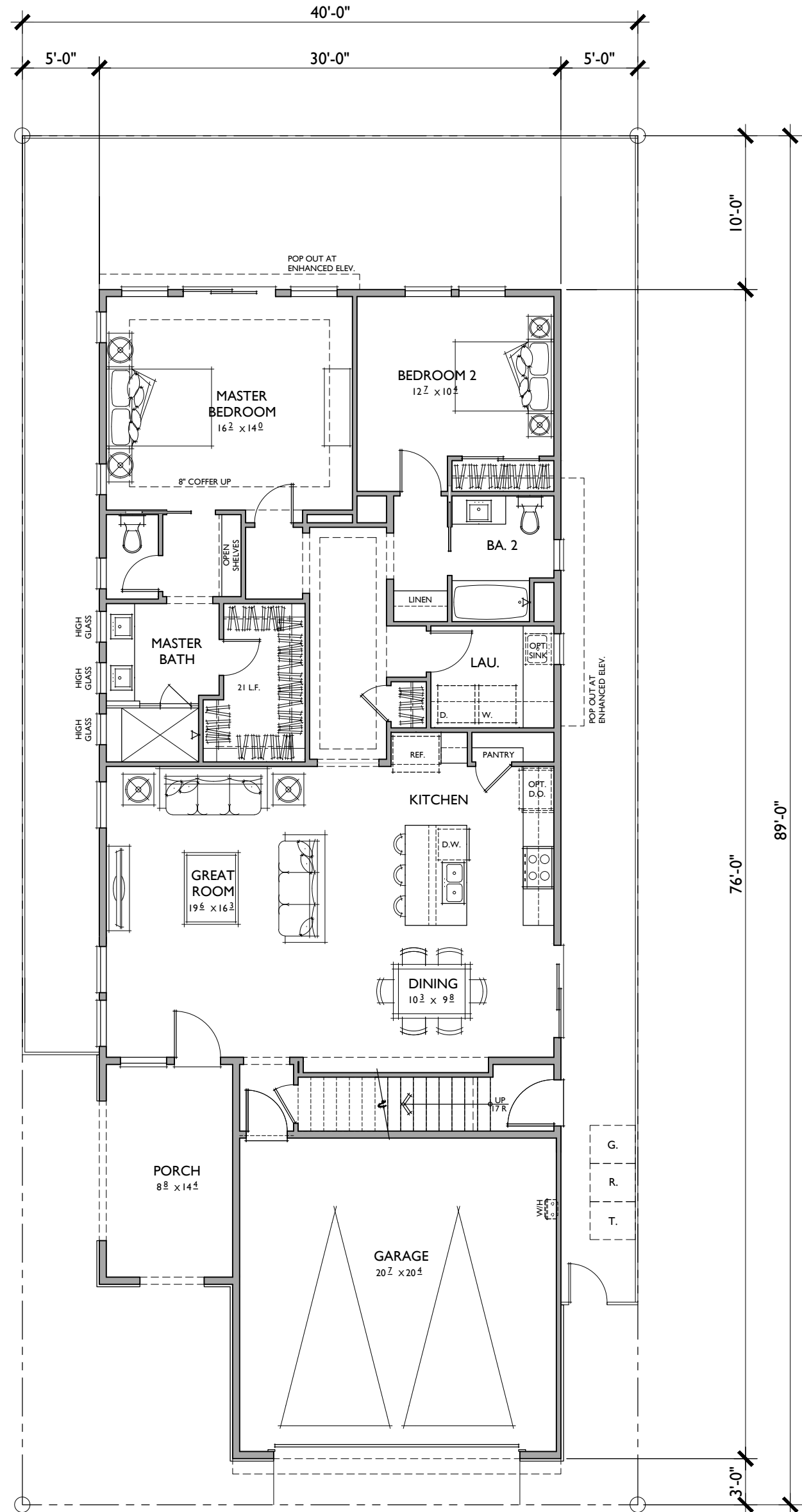
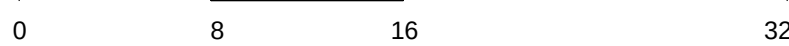
BY D.R. HORTON

JOB NO. 233-034
DATE 03-10-20
2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100

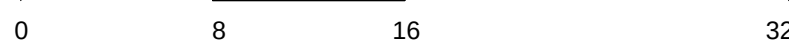
A3.2



2 PLAN 1X - SECOND FLOOR
SCALE: 1/8" = 1'-0"



1 PLAN 1X - FIRST FLOOR
SCALE: 1/8" = 1'-0"



AFFORDABLE | BEDROOM

FLOOR AREA TABLE	
BEDROOM / STUDIO	556 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

PLAN 1X

TARGET: 2,000 SQ. FT.
2 BEDROOMS / 2 BATHS
2 - CAR GARAGE

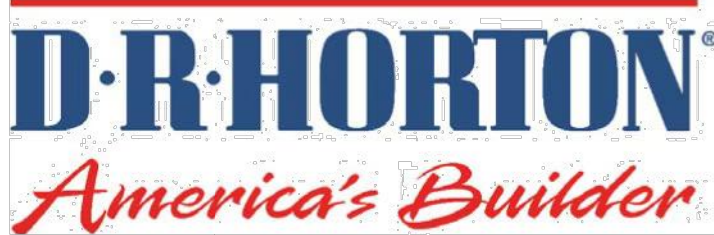
FLOOR AREA TABLE	
1ST FLOOR	1,525 SQ. FT.
2 - CAR GARAGE	444 SQ. FT.
PORCH	124 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

COTTAGES
FLOOR PLAN & ELEVATIONS
EARLY CALIFORNIA

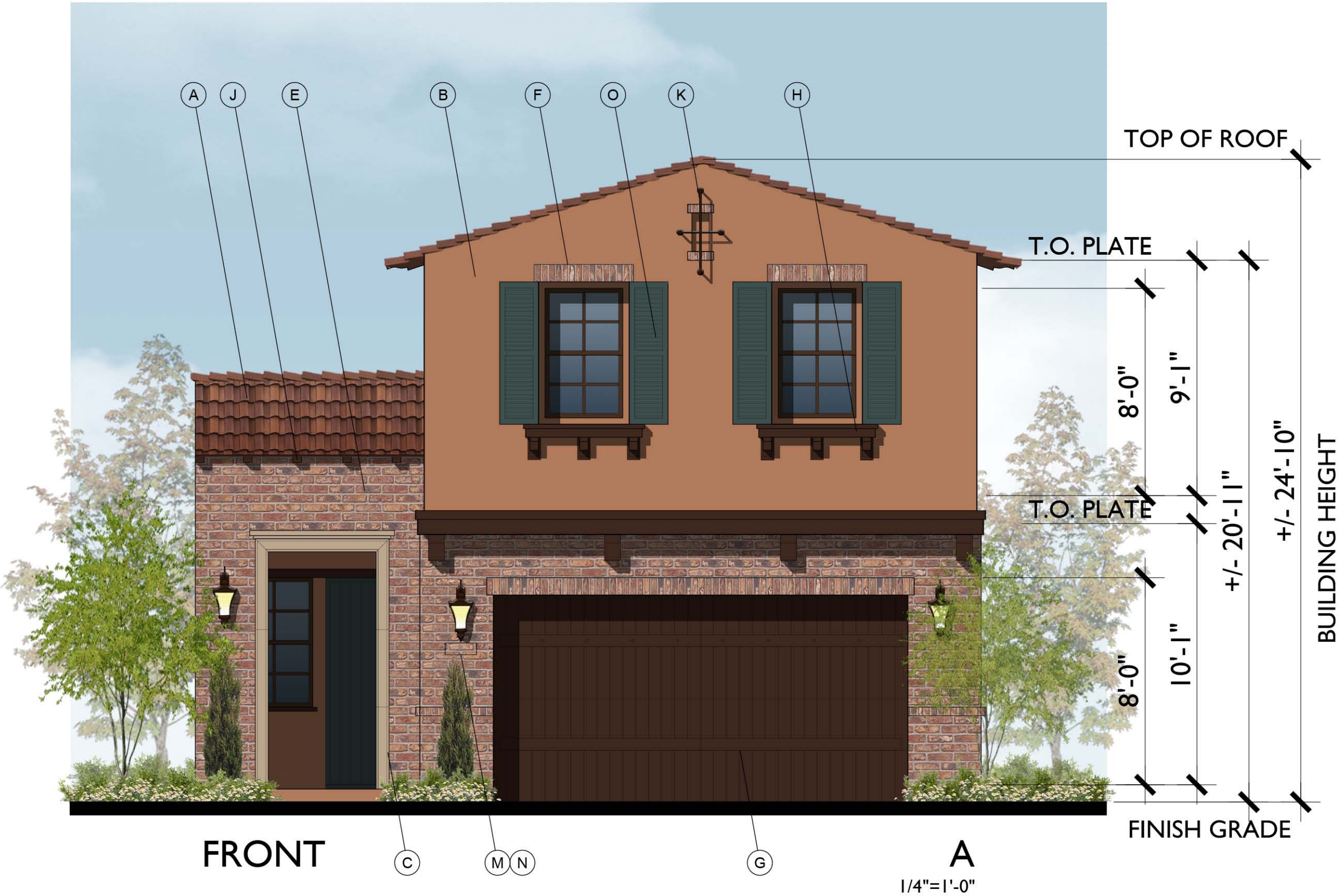
NEW HORIZONS AT MORGAN HILL

BY D.R. HORTON



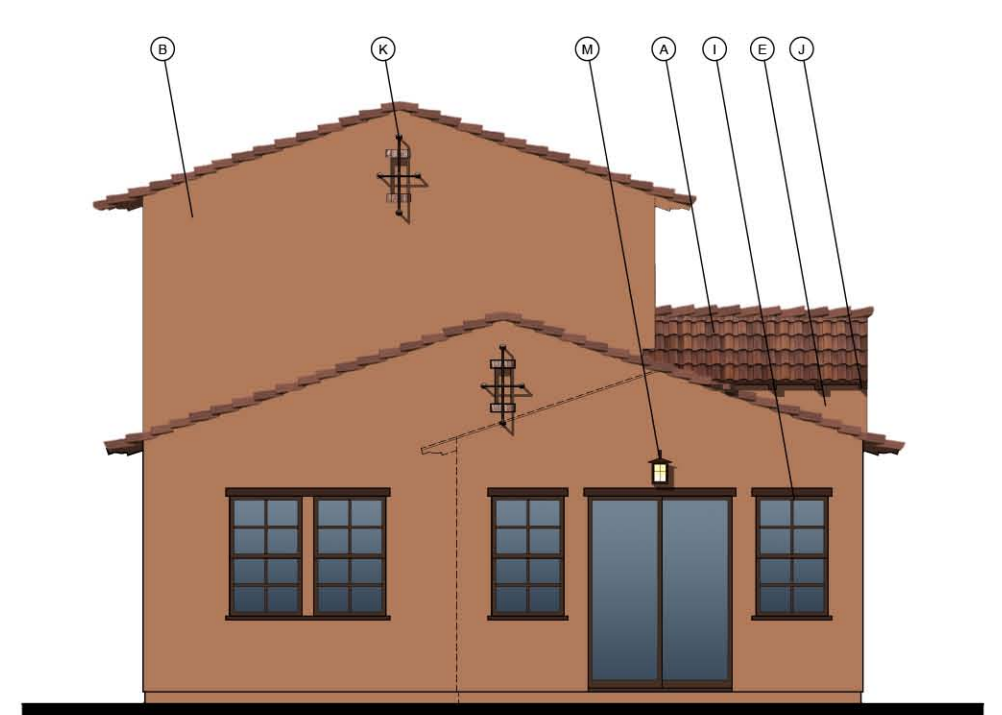
JOB NO. 233-034
DATE 03-12-21
2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100

A3.3

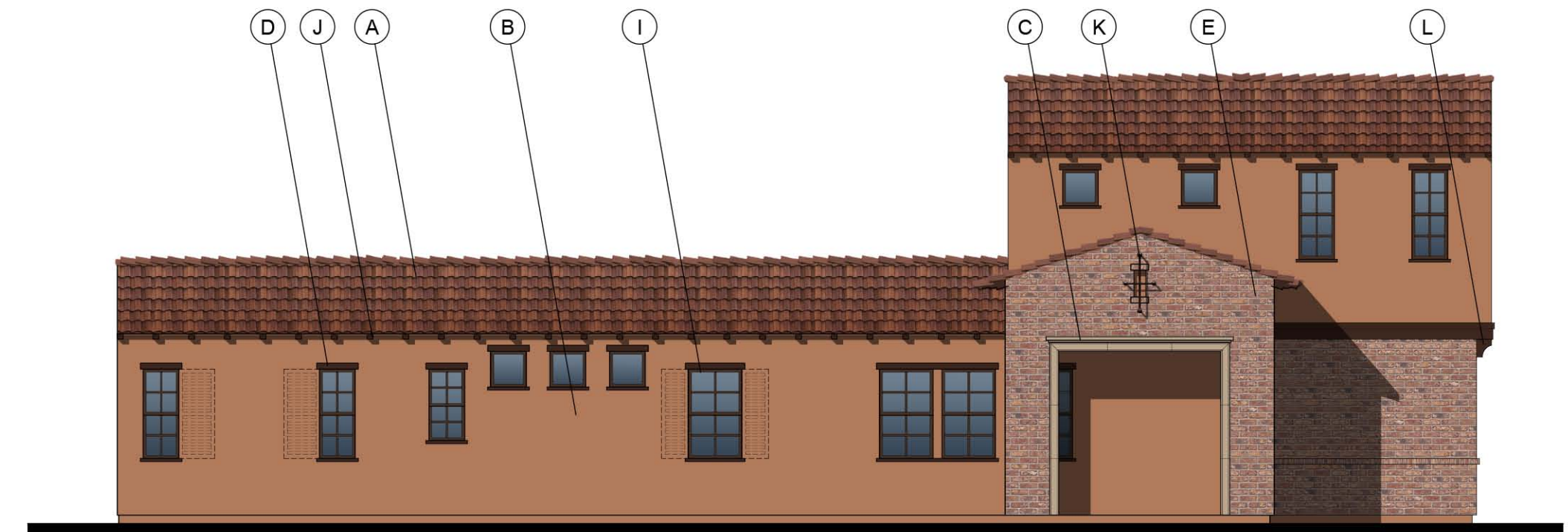


- MATERIAL LEGEND
- A. CONCRETE 'S' TILE
 - B. STUCCO FINISH
 - C. SIMULATED PRECAST TRIM
 - D. FOAM TRIM
 - E. BRICK VENEER
 - F. BRICK HEADER TRIM
 - G. ROLL UP GARAGE DOOR
 - H. FOAM POTSHELF
 - I. VINYL WINDOW
 - J. RAFTER TAILS
 - K. WROUGHT IRON DETAILS
 - L. DECORATIVE FOAM DETAILS
 - M. LIGHT FIXTURE
 - N. ADDRESS SIGN
 - O. SHUTTERS

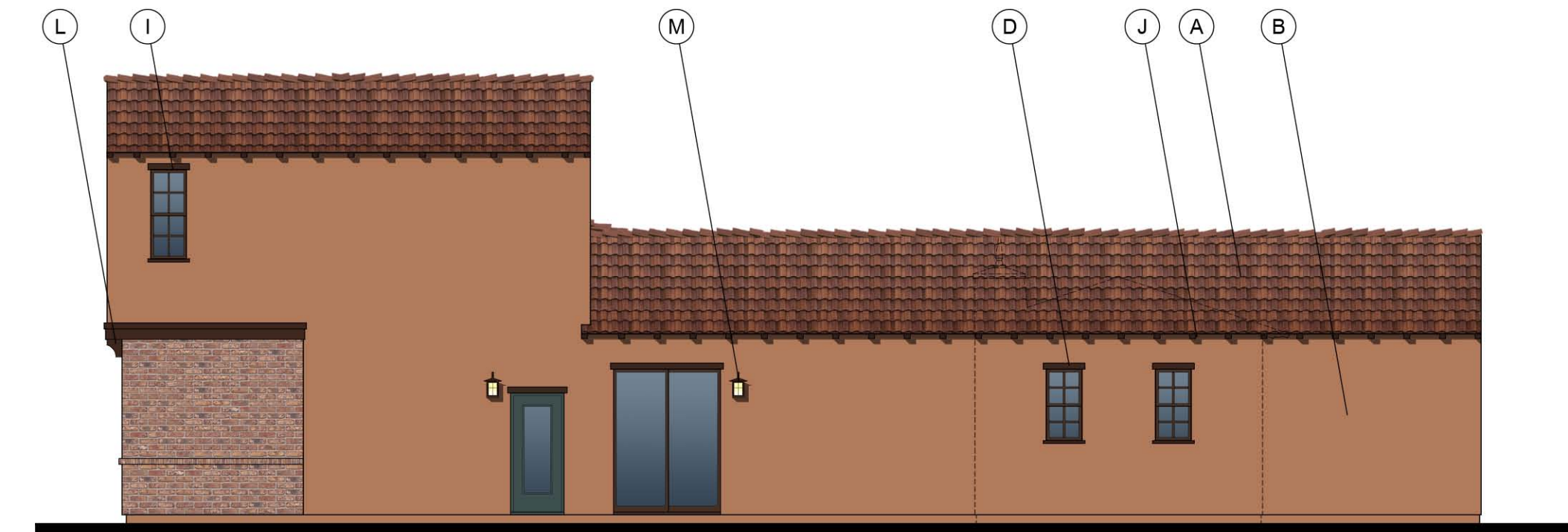
1 PLAN 1X - FRONT ELEVATION
SCALE: 1/4" = 1'-0"



4 PLAN 1X - REAR ELEVATION
SCALE: 1/8" = 1'-0"



3 PLAN 1X - LEFT ELEVATION
SCALE: 1/8" = 1'-0"



2 PLAN 1X - RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



AFFORDABLE | BEDROOM

FLOOR AREA TABLE	
BEDROOM / STUDIO	556 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

PLAN 1X
TARGET: 2,000 SQ. FT.
2 BEDROOMS / 2 BATHS
2 - CAR GARAGE

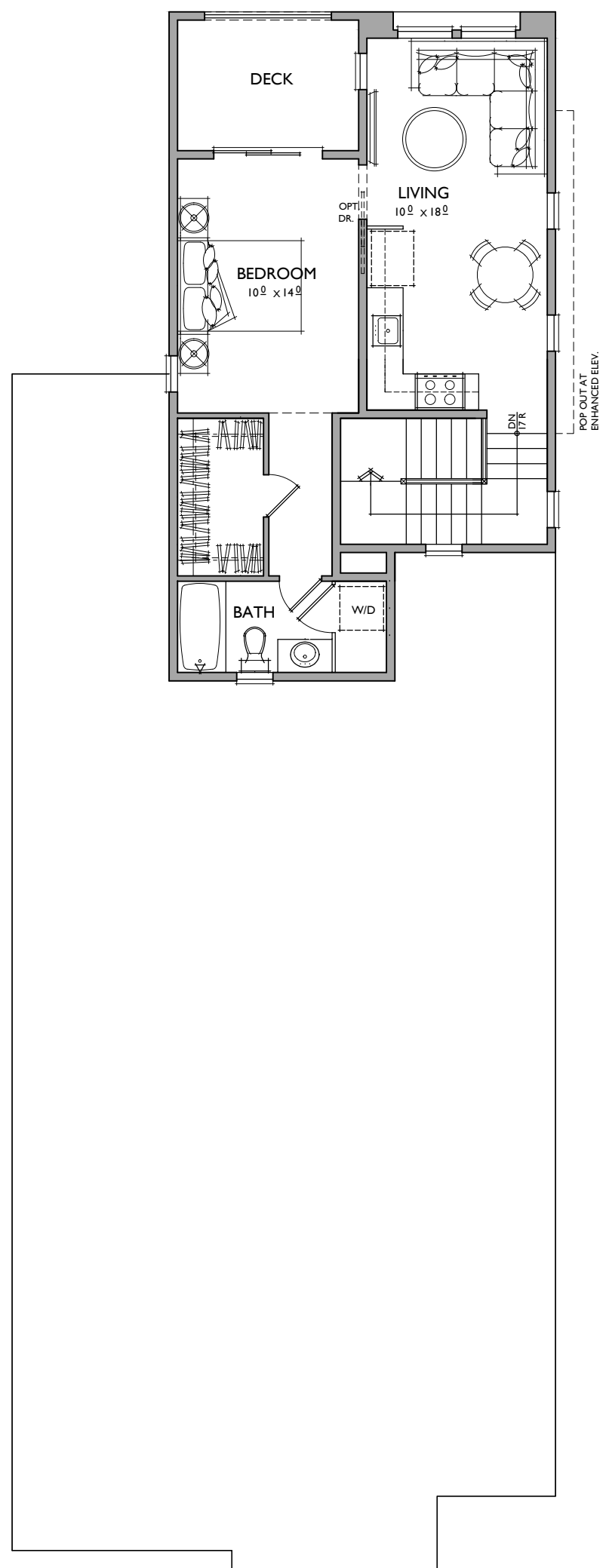
FLOOR AREA TABLE	
1ST FLOOR	1,525 SQ. FT.
2 - CAR GARAGE	444 SQ. FT.
PORCH	124 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

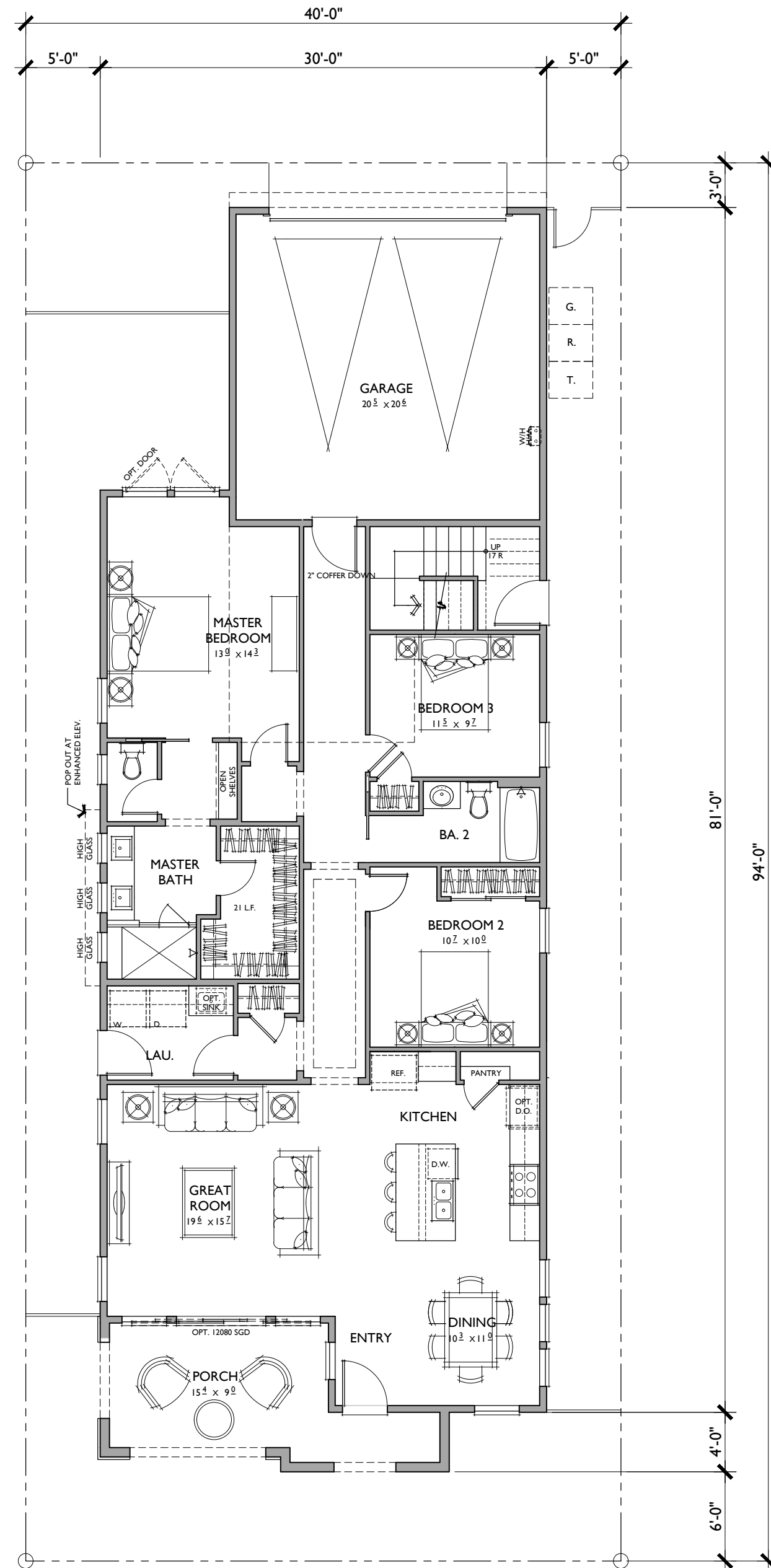
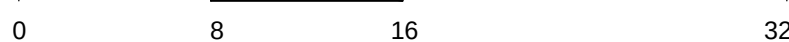
COTTAGES
FLOOR PLAN & ELEVATIONS
EARLY CALIFORNIA

NEW HORIZONS AT MORGAN HILL

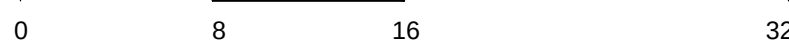
BY D.R. HORTON



2 PLAN 2 - SECOND FLOOR
SCALE: 1/8" = 1'-0"

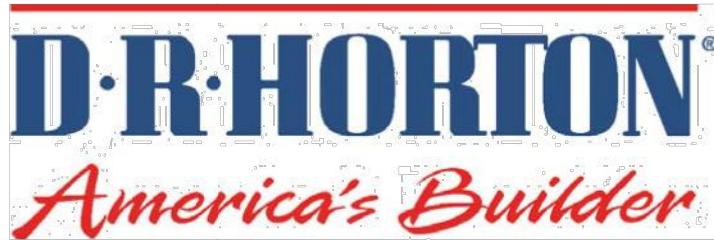


1 PLAN 2 - FIRST FLOOR
SCALE: 1/8" = 1'-0"



NEW HORIZONS AT MORGAN HILL

BY D.R. HORTON



JOB NO. 233-034
DATE 03-12-21
2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100

A3.5

AFFORDABLE | BEDROOM

FLOOR AREA TABLE	
BEDROOM / STUDIO	635 SQ. FT.

NOTE SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

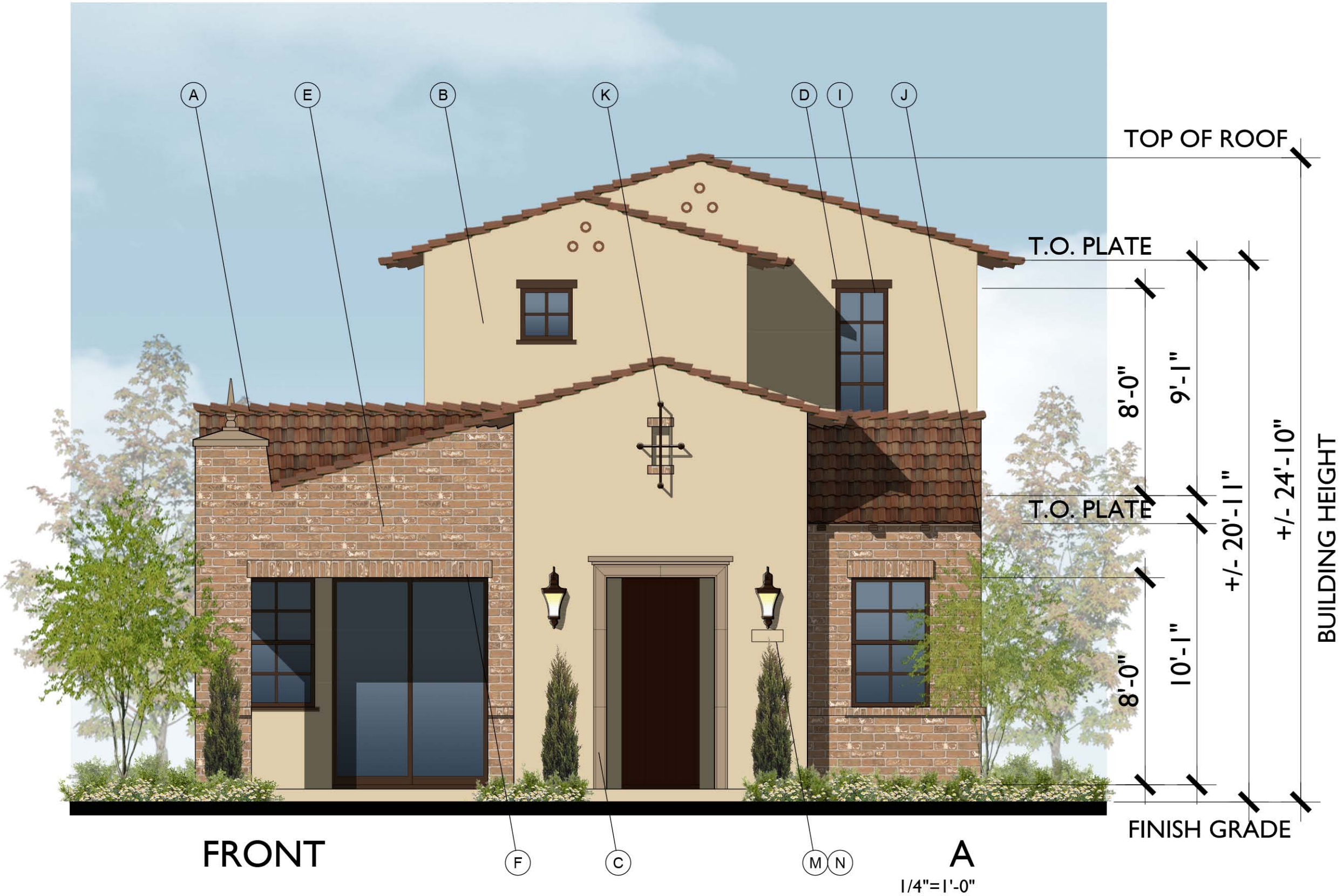
PLAN 2

3 BEDROOMS / 2 BATHS /
2 - CAR GARAGE

FLOOR AREA TABLE	
1ST FLOOR	1,637 SQ. FT.
2 - CAR GARAGE	448 SQ. FT.
LANAI	174 SQ. FT.

NOTE SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

COTTAGES FLOOR PLAN & ELEVATIONS EARLY CALIFORNIA

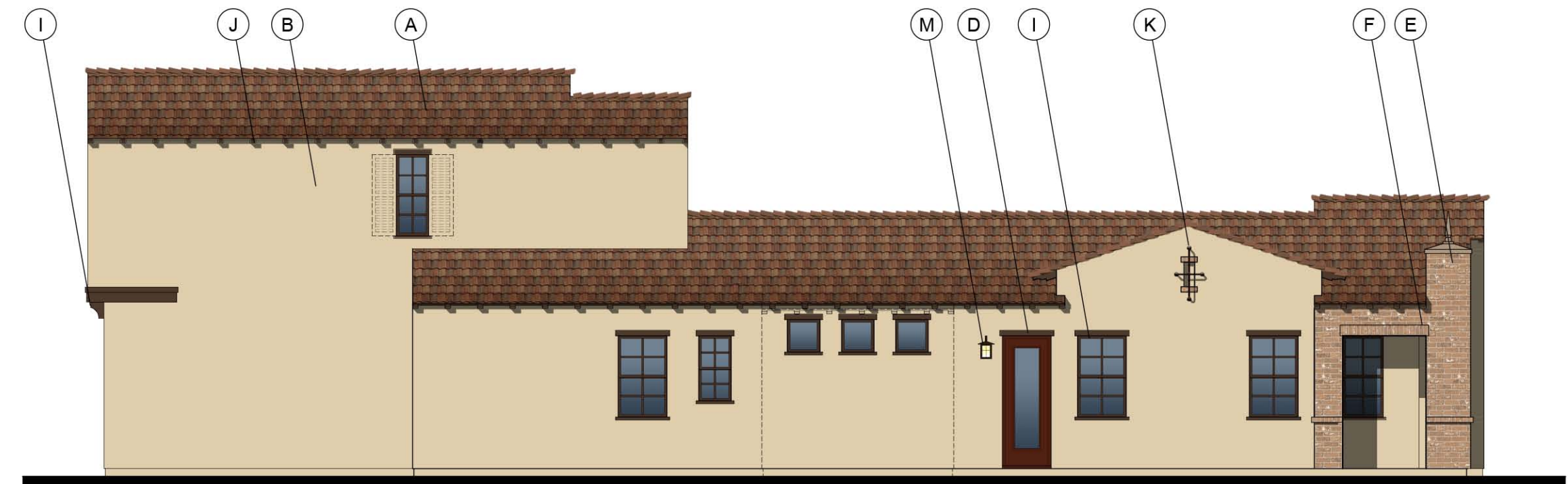


- MATERIAL LEGEND
- A. CONCRETE 'S' TILE
 - B. STUCCO FINISH
 - C. SIMULATED PRECAST TRIM
 - D. FOAM TRIM
 - E. BRICK VENEER
 - F. BRICK HEADER TRIM
 - G. ROLL UP GARAGE DOOR
 - H. FOAM POTSHELF
 - I. VINYL WINDOW
 - J. RAFTER TAILS
 - K. WROUGHT IRON DETAILS
 - L. DECORATIVE FOAM DETAILS
 - M. LIGHT FIXTURE
 - N. ADDRESS SIGN
 - O. SHUTTERS

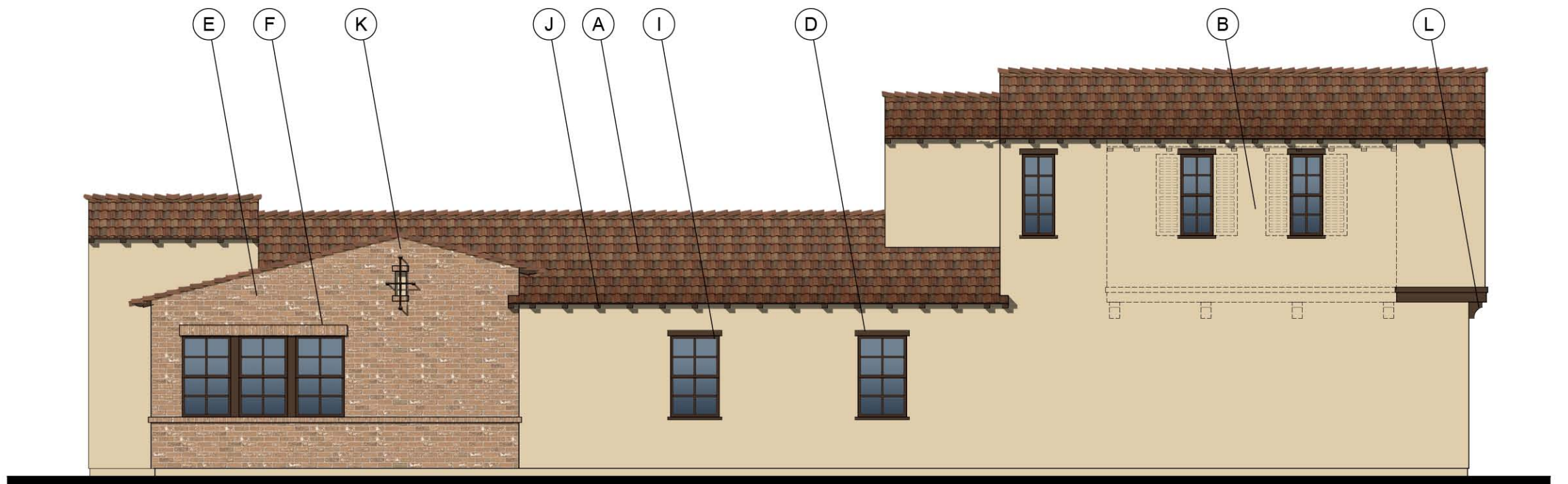
1 PLAN 2 - FRONT ELEVATION
SCALE: 1/4" = 1'-0"



4 PLAN 2 - REAR ELEVATION
SCALE: 1/8" = 1'-0"



3 PLAN 2 - LEFT ELEVATION
SCALE: 1/8" = 1'-0"



2 PLAN 2 - RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

AFFORDABLE | BEDROOM

FLOOR AREA TABLE	
BEDROOM / STUDIO	635 SQ. FT.

PLAN 2

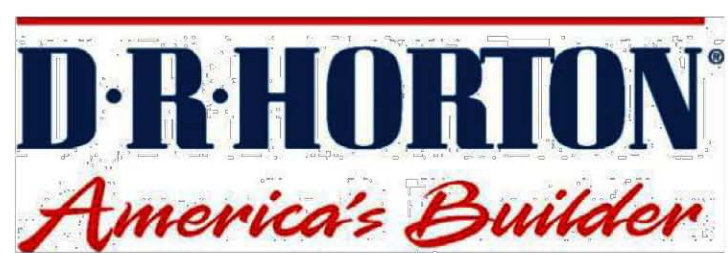
3 BEDROOMS / 2 BATHS /
2 - CAR GARAGE

FLOOR AREA TABLE	
1ST FLOOR	1,637 SQ. FT.
2 - CAR GARAGE	448 SQ. FT.
LANAI	174 SQ. FT.

COTTAGES
FLOOR PLAN & ELEVATIONS
EARLY CALIFORNIA

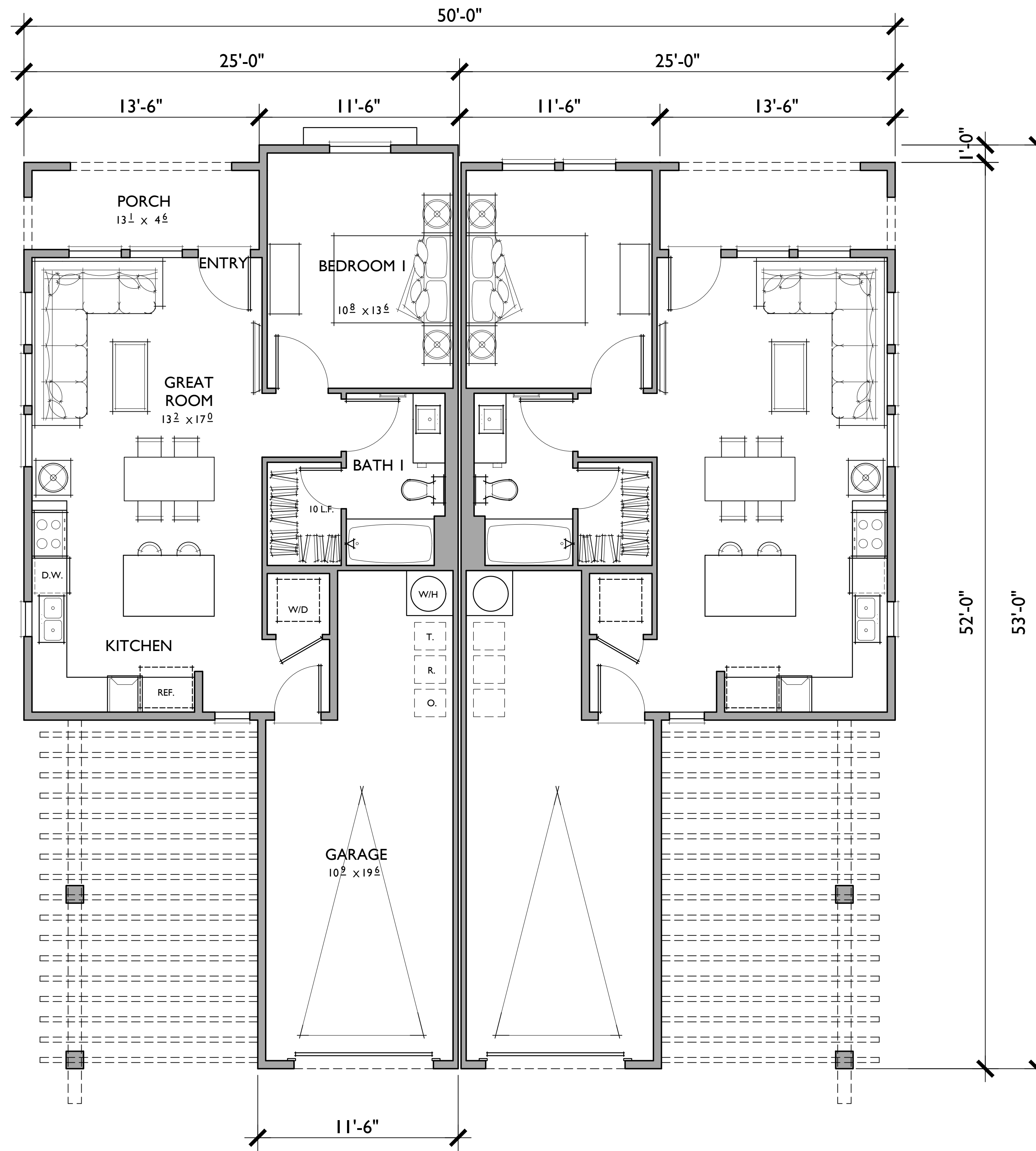
NEW HORIZONS AT MORGAN HILL

BY D.R. HORTON



JOB NO. 233-034
DATE 03-10-20
2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100

A3.6



PLAN I

682 SQ. FT.

1 BEDROOMS / 1 BATHS

1 - CAR GARAGE

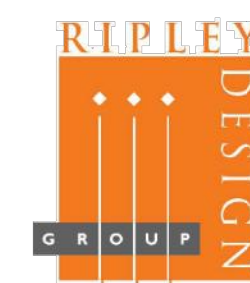
FLOOR AREA TABLE

IST FLOOR	682 SQ. FT.
1 - CAR GARAGE	289 SQ. FT.
PORCH	67 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

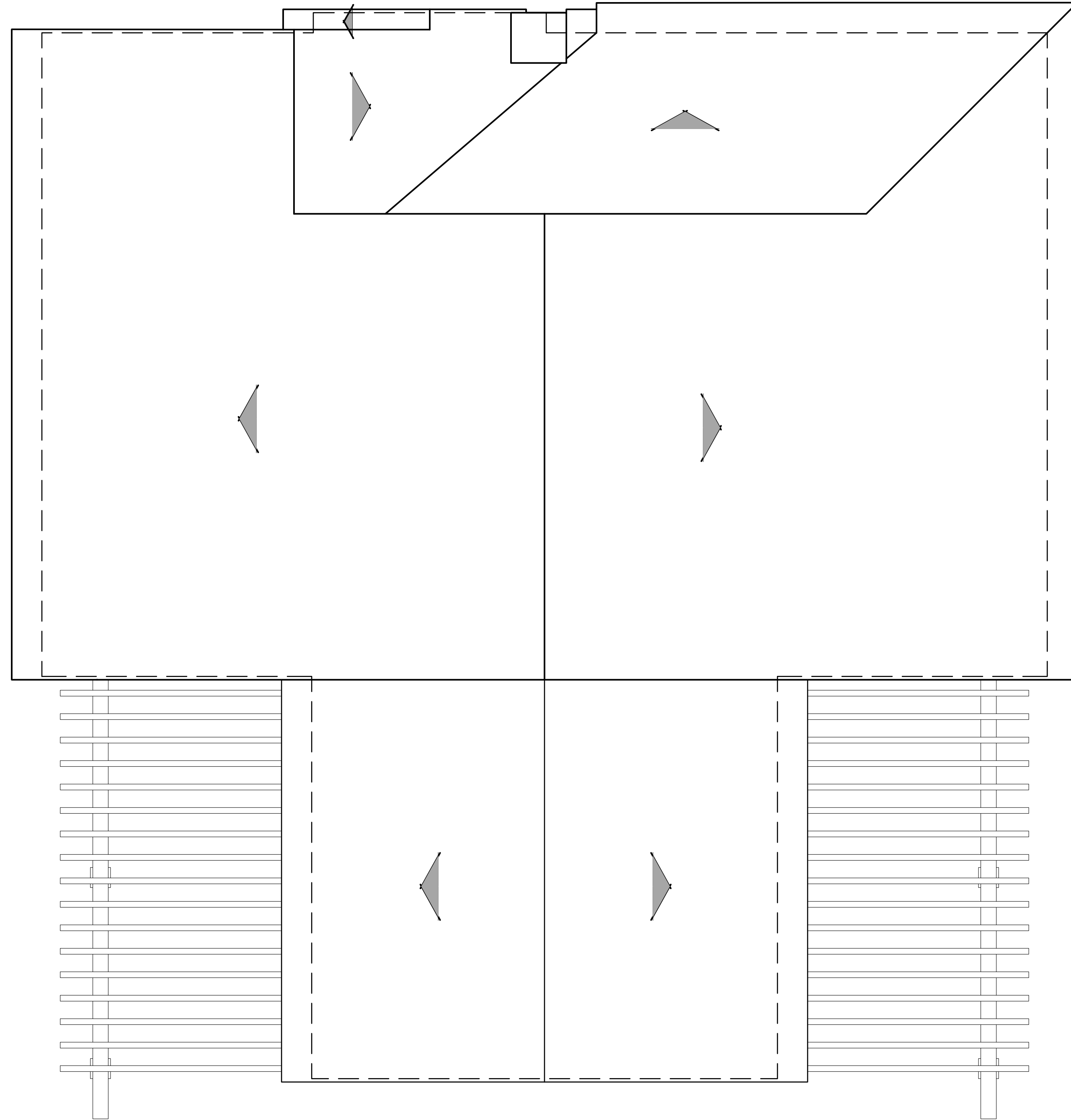


JOB NO. 554-20039

DATE 01-06-23

2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100

SENIOR DUETS FLOOR PLAN



ROOF PLAN A

PITCH: 4:12
RAKE: TIGHT
EAVE: 18"
ROOF MATERIAL: CONCRETE 'S' TILE

1/4"=1'-0"

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

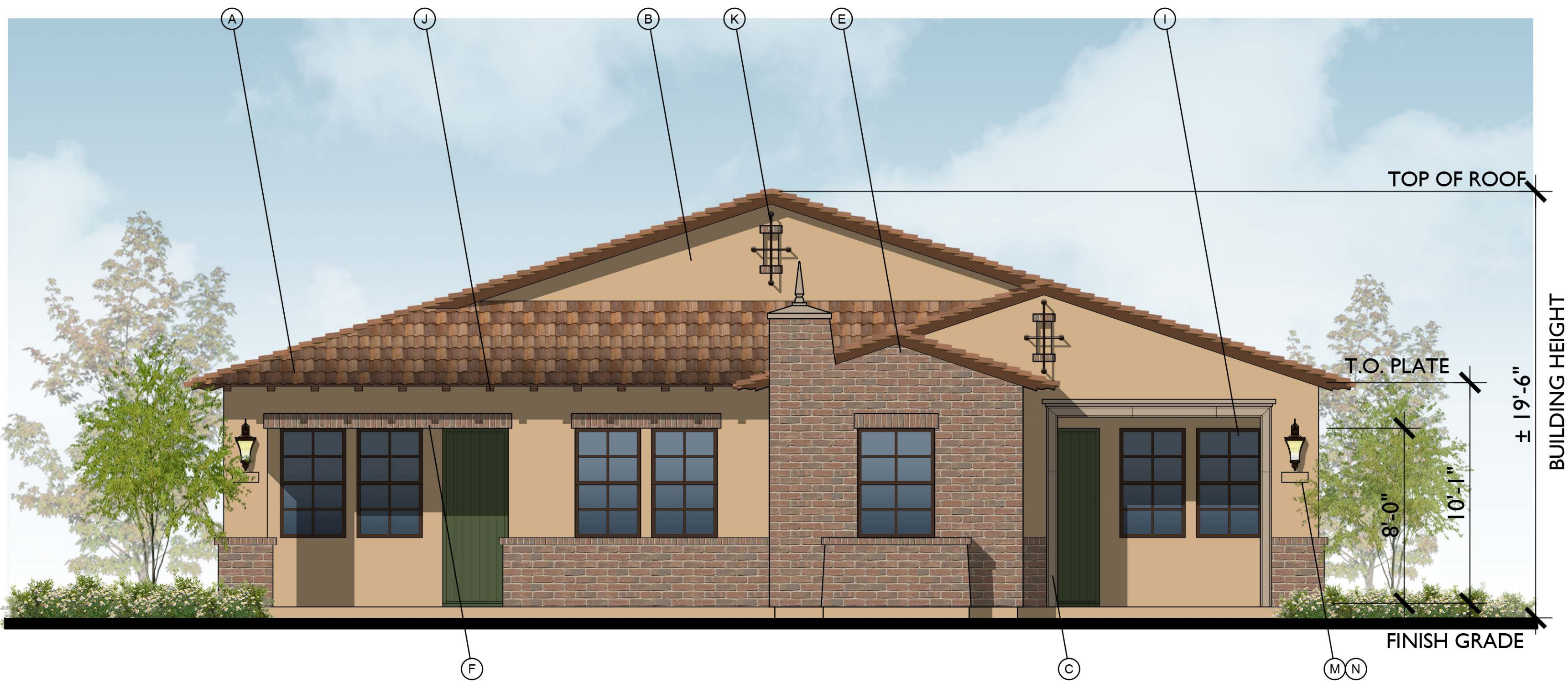


JOB NO. 554-20039
DATE 01-06-23
2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100

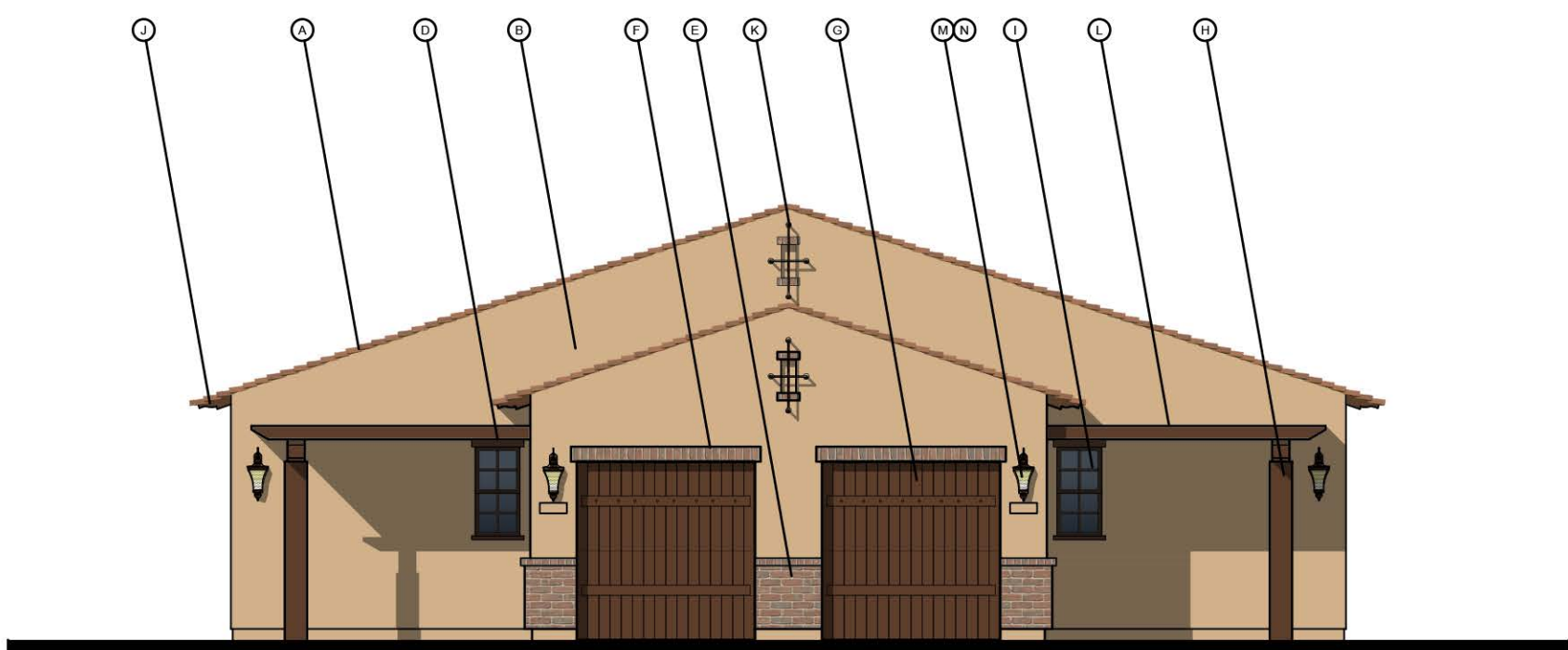
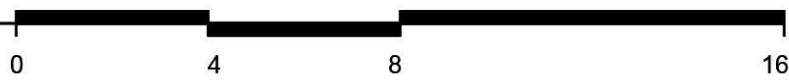
SENIOR DUETS
ROOF PLAN

MATERIAL LEGEND

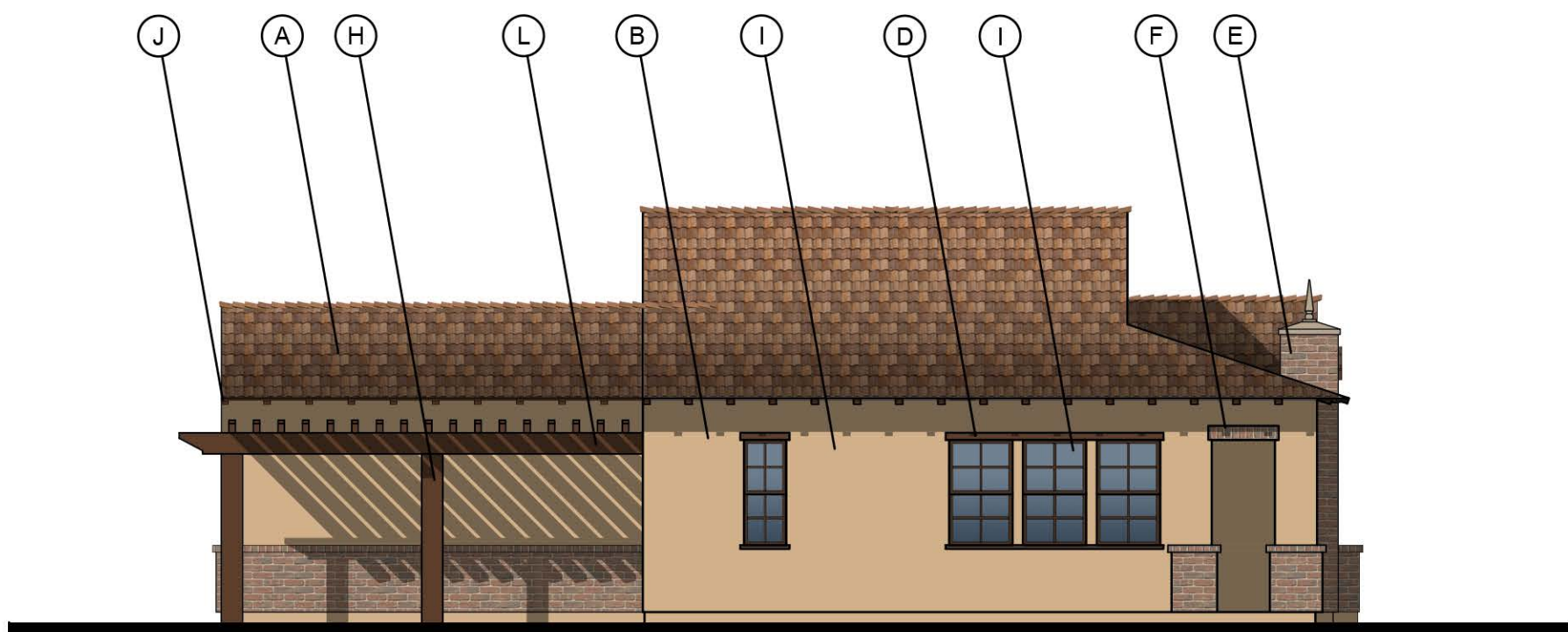
- A. CONCRETE 'S' TILE
- B. STUCCO FINISH
- C. SIMULATED PRECAST TRIM
- D. FOAM TRIM
- E. BRICK VENEER
- F. BRICK HEADER TRIM
- G. ROLL UP GARAGE DOOR
- H. WOOD POST
- I. VINYL WINDOW
- J. RAFTER TAILS
- K. WROUGHT IRON DETAILS
- L. WOOD TRELLIS
- M. LIGHT FIXTURE
- N. ADDRESS SIGN
- O. SHUTTERS



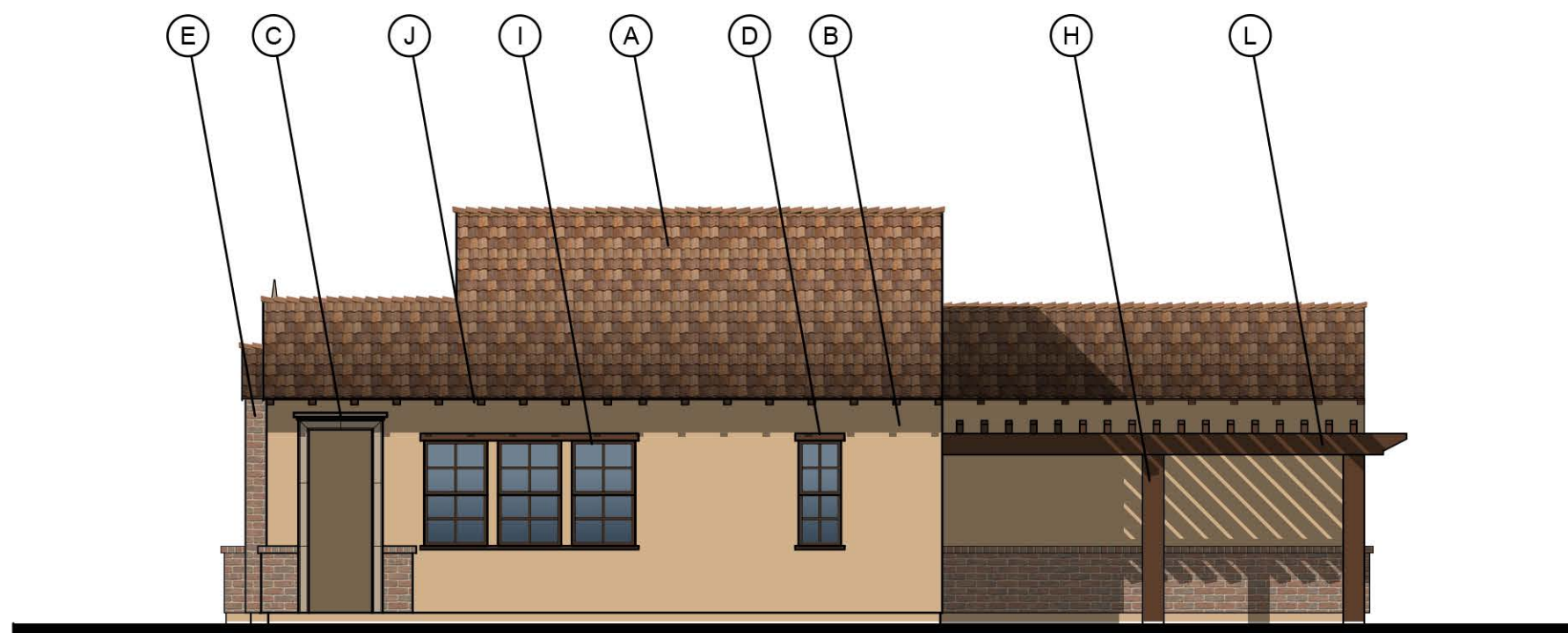
1 BUILDING 1 - FRONT ELEVATION
SCALE: 1/4" = 1'-0"



4 BLDG. 1 - REAR ELEVATION
SCALE: 1/8" = 1'-0"



3 BLDG. 1 - LEFT ELEVATION
SCALE: 1/8" = 1'-0"



2 BLDG. 1 - RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

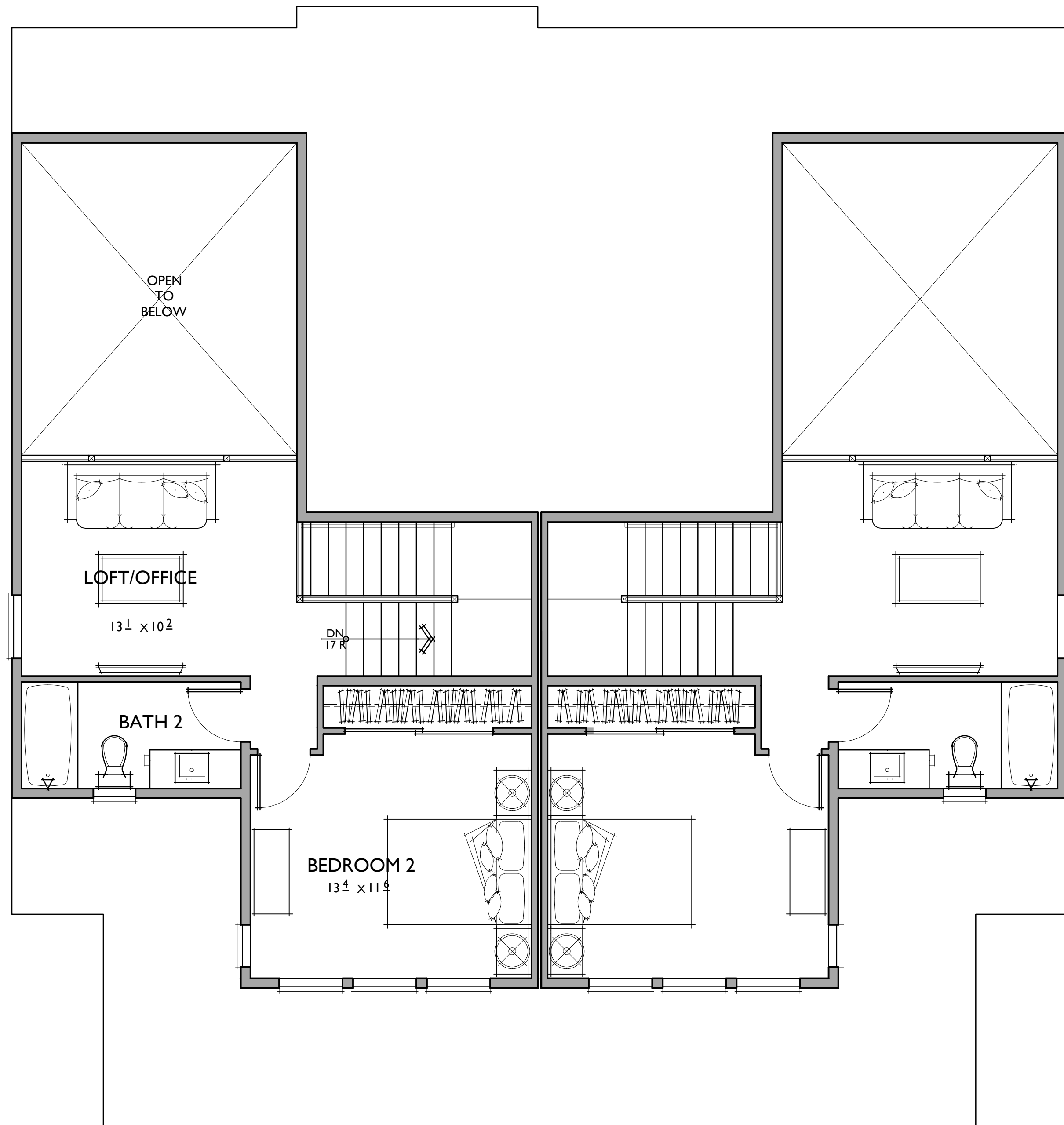


SENIOR DUETS
SPANISH ELEVATIONS

JOB NO. 554-20039

DATE 01-06-23

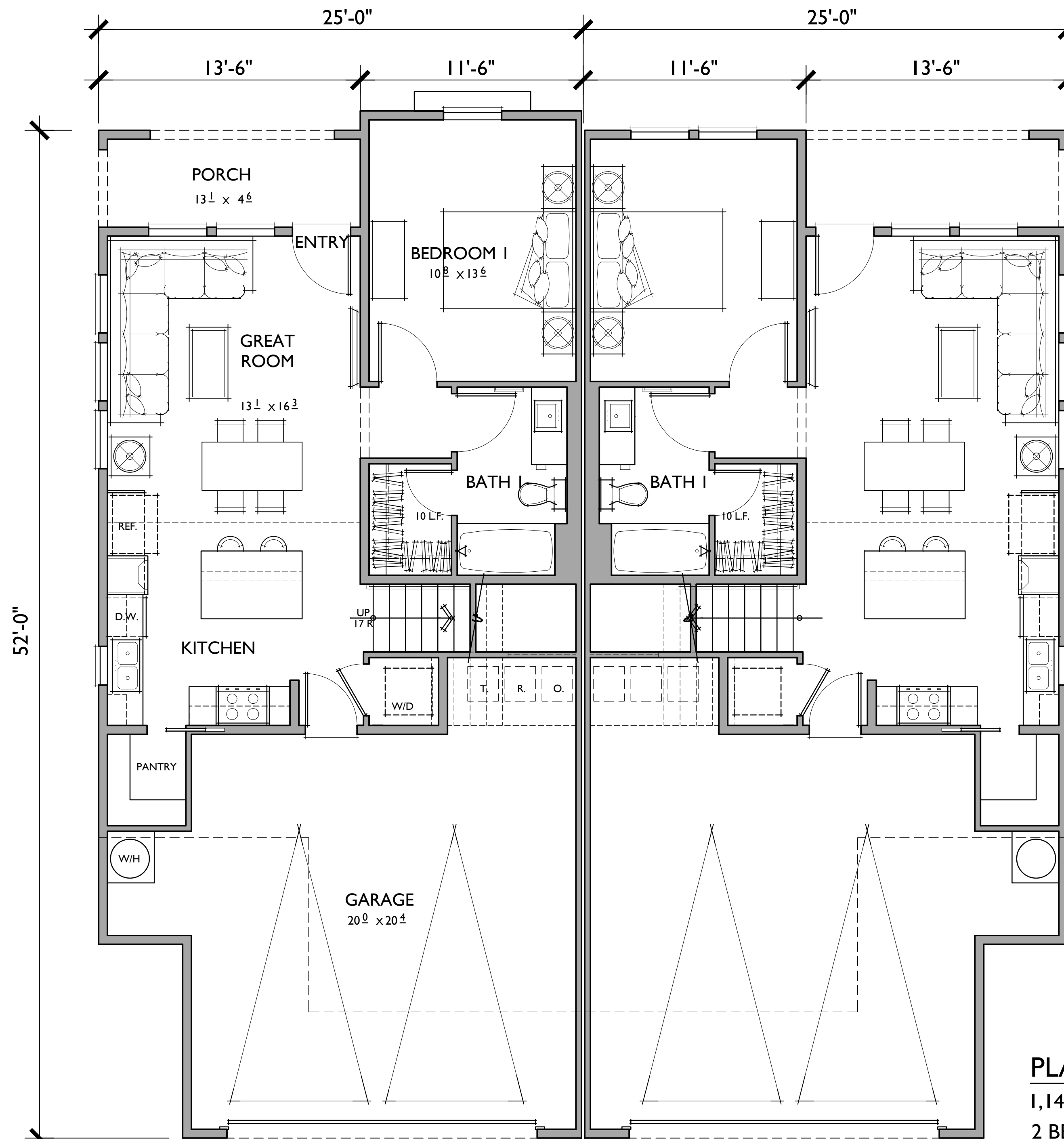
2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100



PLAN 2

PLAN 2

SECOND FLOOR



PLAN 2

PLAN 2

FIRST FLOOR

PLAN 2
1,144 SQ. FT.
2 BEDROOMS / LOFT / 2 BATHS
2 - CAR GARAGE

FLOOR AREA TABLE	
1ST FLOOR	717 SQ. FT.
2ND FLOOR	427 SQ. FT.
TOTAL	1,144 SQ. FT.
2 - CAR GARAGE	479 SQ. FT.
OPT. CALIFORNIA ROOM	####
PORCH	67 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

SENIOR DUETS FLOOR PLAN

NEW HORIZONS AT MORGAN HILL

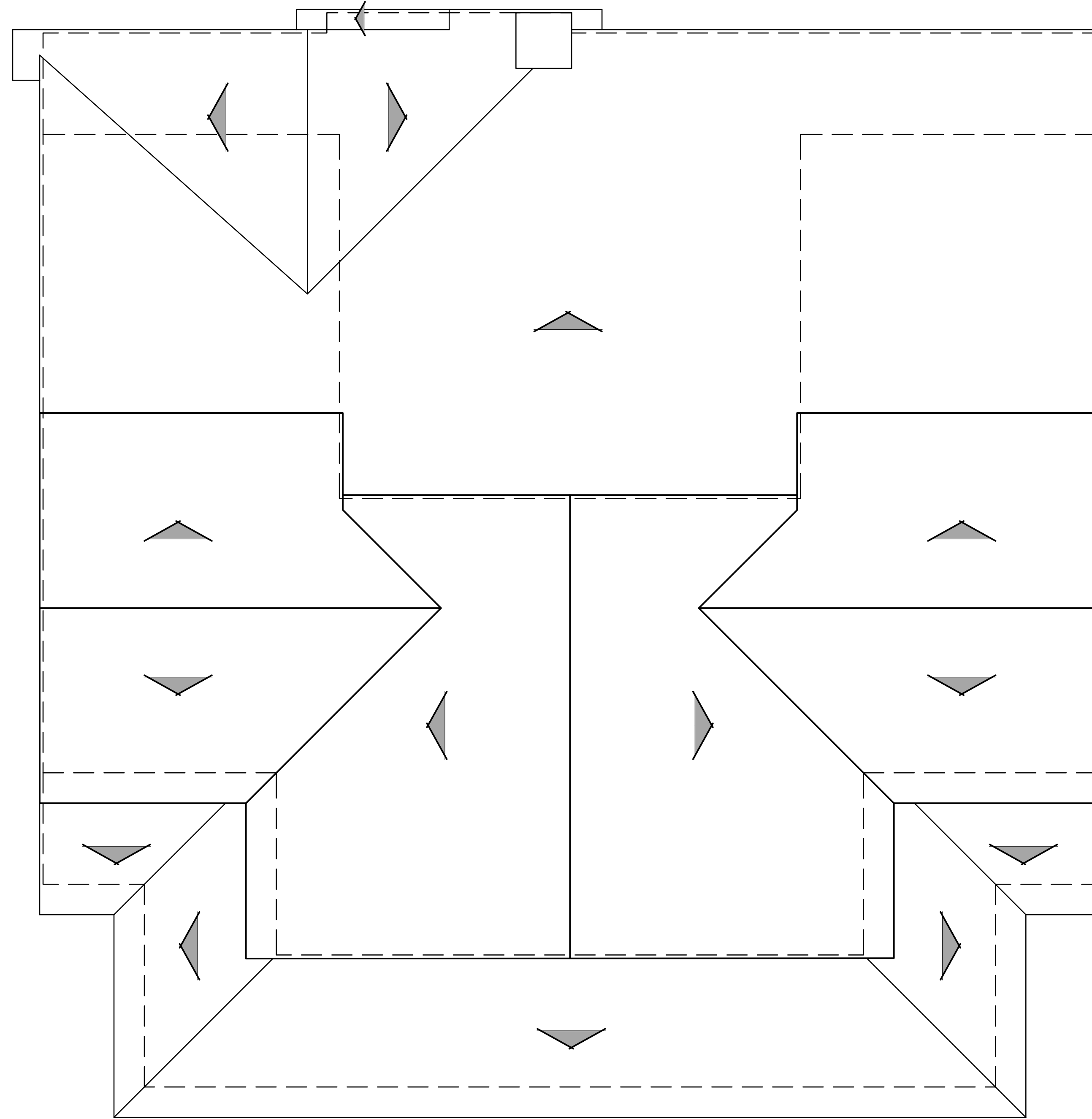
BY MORGAN HILL DEVCO, LLC



JOB NO. 554-20039

DATE 01-06-23

2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100



ROOF PLAN

A

PITCH: 4:12
RAKE: TIGHT
EAVE: 18"
ROOF MATERIAL: CONCRETE 'S' TILE

1/8"=1'-0"

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

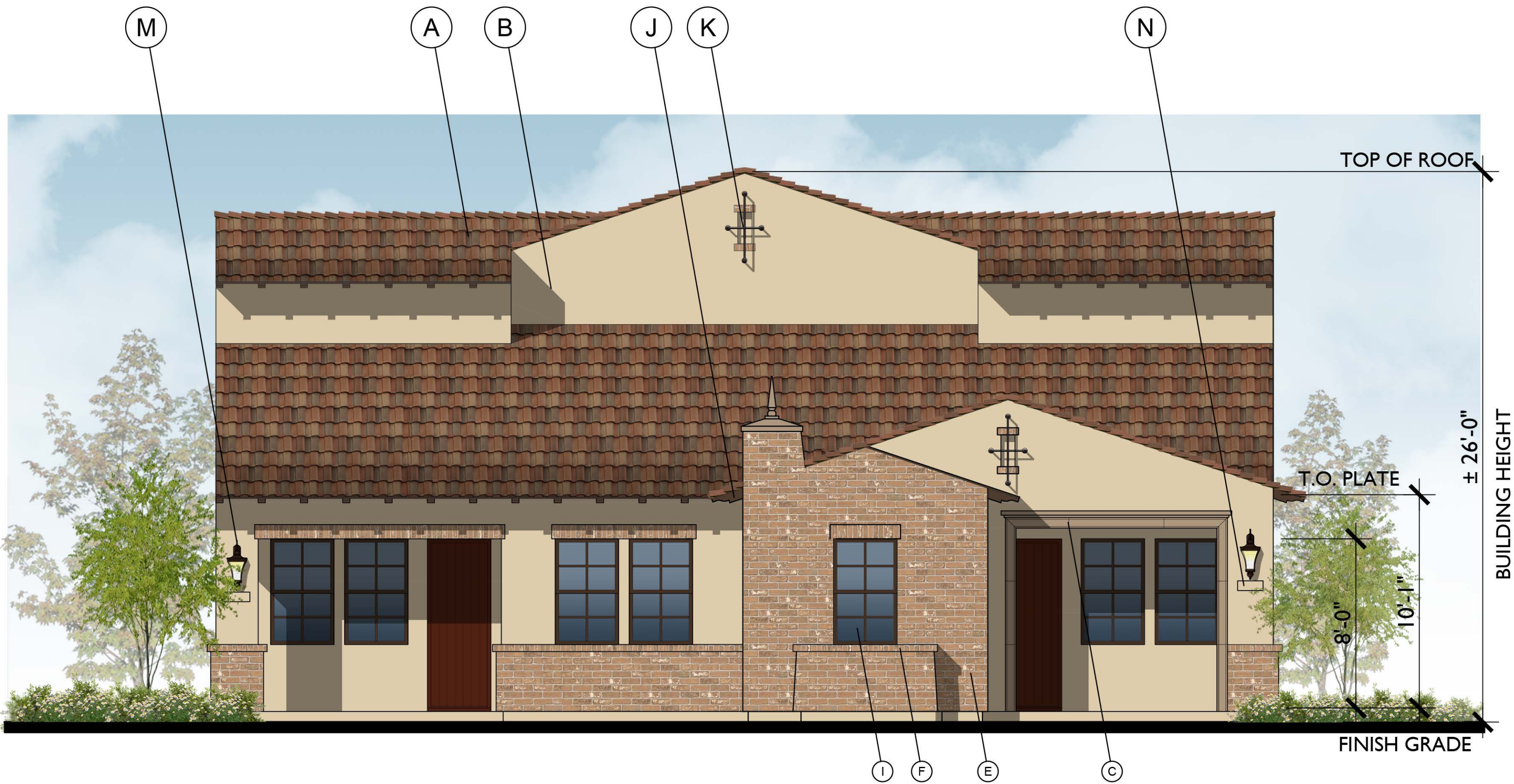


SENIOR DUETS ROOF PLAN

JOB NO. 554-20039

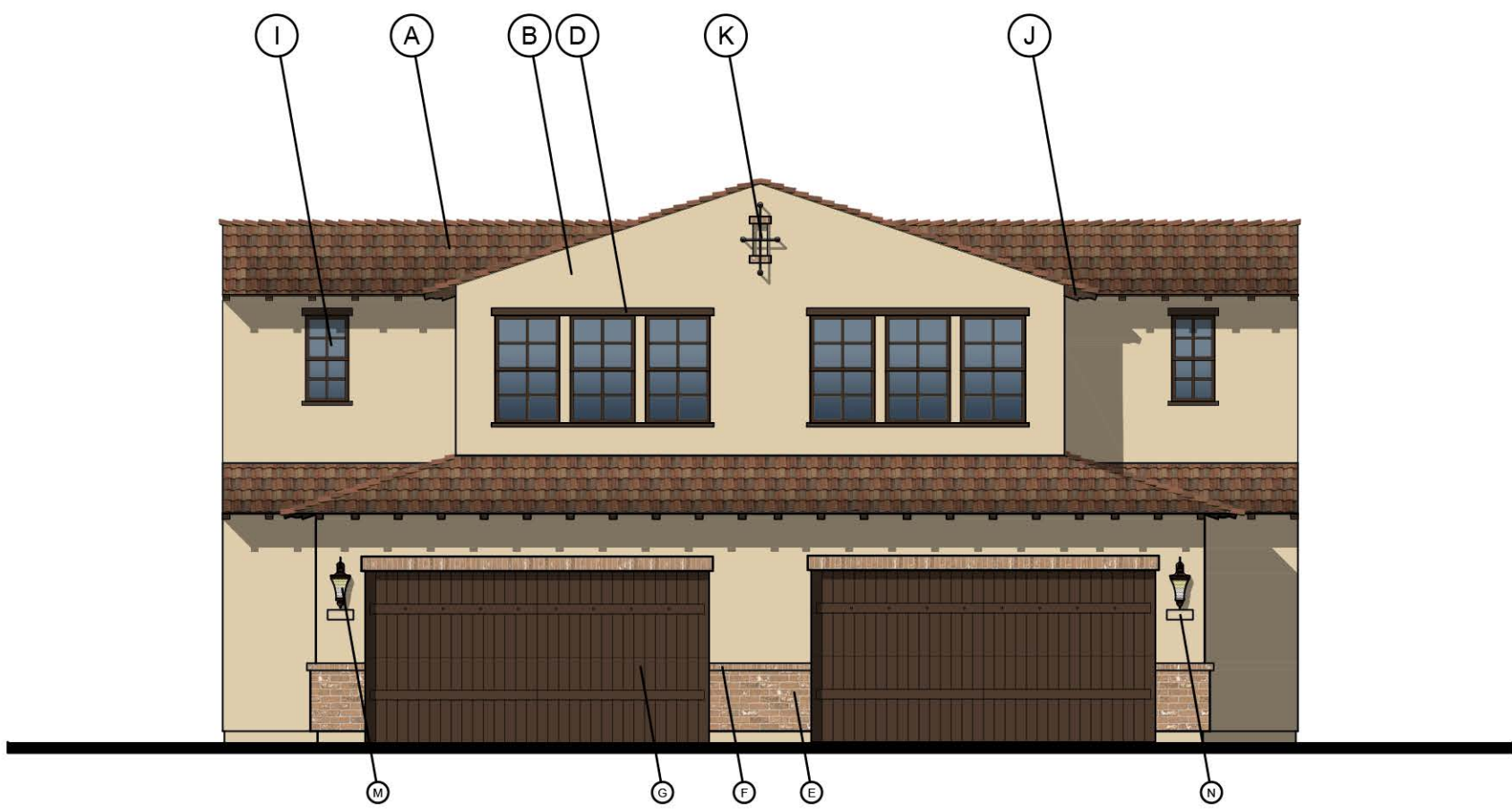
DATE 01-06-23

2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100

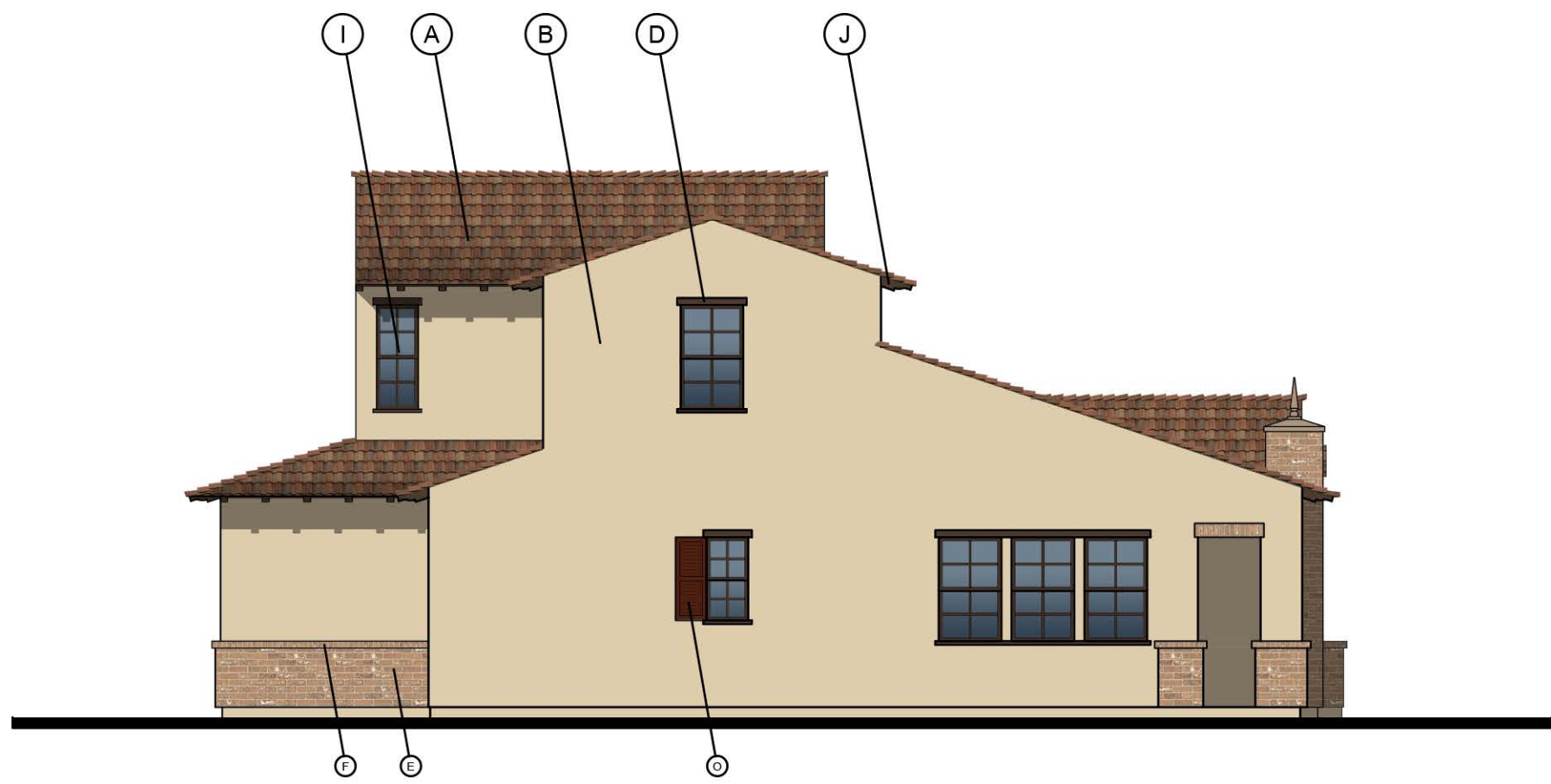


- MATERIAL LEGEND
- A. CONCRETE 'S' TILE
 - B. STUCCO FINISH
 - C. SIMULATED PRECAST TRIM
 - D. FOAM TRIM
 - E. BRICK VENEER
 - F. BRICK HEADER TRIM
 - G. ROLL UP GARAGE DOOR
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 - K. WROUGHT IRON DETAILS
 - L. WOOD TRELLIS
 - M. LIGHT FIXTURE
 - N. ADDRESS SIGN
 - O. SHUTTERS

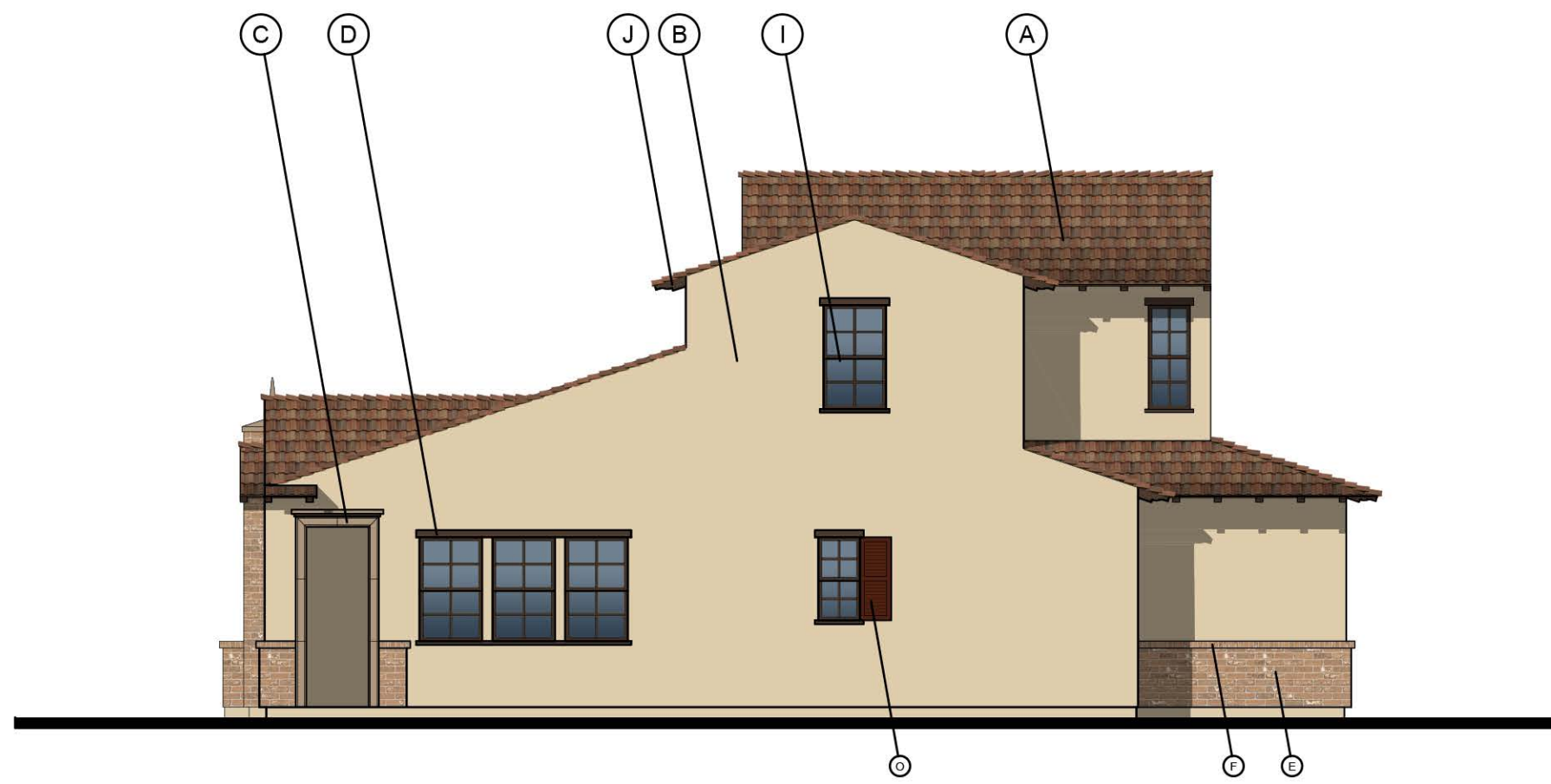
1 BUILDING 2 - FRONT ELEVATION
SCALE: 1/4" = 1'-0"



4 BLDG. 2 - REAR ELEVATION
SCALE: 1/8" = 1'-0"



3 BLDG. 2 - LEFT ELEVATION
SCALE: 1/8" = 1'-0"



2 BLDG. 2 - RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



SENIOR DUETS SPANISH ELEVATIONS

JOB NO. 554-20039

DATE 01-06-23

2031 Orchard Drive
Newport Beach, CA, 92660
949-553-9100



COURT YARD HOME (4) (SINGLE FAMILY)
AVAILABLE AT MODERATE INCOME LEVEL
(<121% AMI)

SINGLE STORY
FLOOR PLAN (69)

JUNIOR ADU, TYP. (23)

Site Information	
Current Designation	Residential Medium Density (0-7 du/ac)
Proposed Designation	No change
Current Zoning	
Proposed Zoning	Residential Medium Density 7,000 (PD)
	No Change

Housing Types	
Traditional single-family homes	223
Courtyard homes	42
Senior cottages	21
Senior single-family attached	34
	320

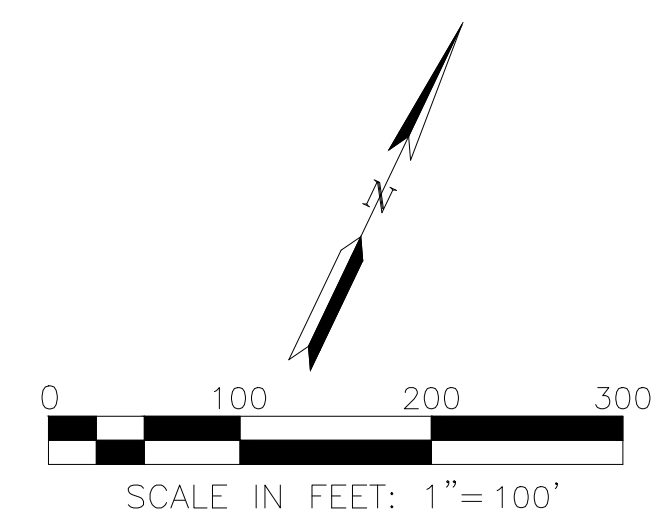
Inclusionary Housing Ordinance Compliance Summary		
Required	320 homes @ 15% = 48 homes	
Provided	Senior Duets (Ownership) (Moderate, 110% AMI)	33 DT
	Courtyard Homes (Ownership) (Moderate, 110% AMI)	6 CH

The balance of the requirement, nine homes, will be satisfied by in-lieu fees.

Housing Opportunities Summary*	
Single Story Homes (60)	SS
Single Family Homes with Junior ADU (23)	JADU
Accessory Dwelling Unit (attached)	ADU

*Distribution is preliminary and subject to change

Legend and Notes	
Tree to remain	
Tree to be removed	
Public trail alignment	

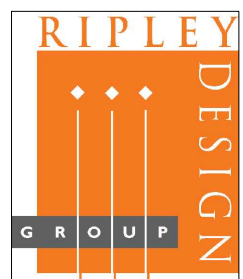


Notes
1. Parcel configuration and street sections are preliminary and subject to refinement.

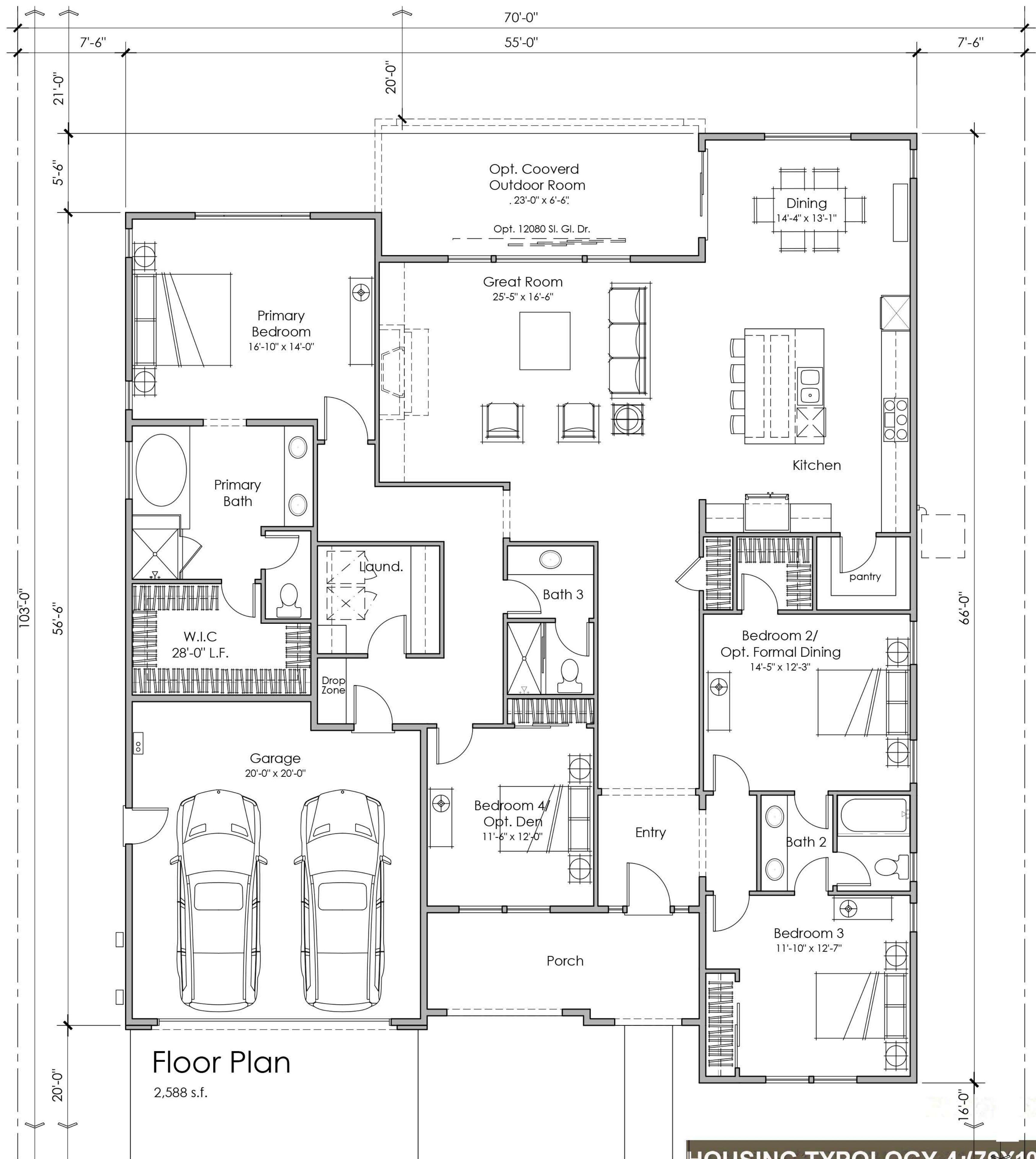
NEW HORIZONS AT MORGAN HILL

TRADITIONAL AND COURT-HOME SINGLE FAMILY SITE PLAN

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN
PD-08
ZA2021-0001



HOUSING TYPOLOGY 4:(70X100)

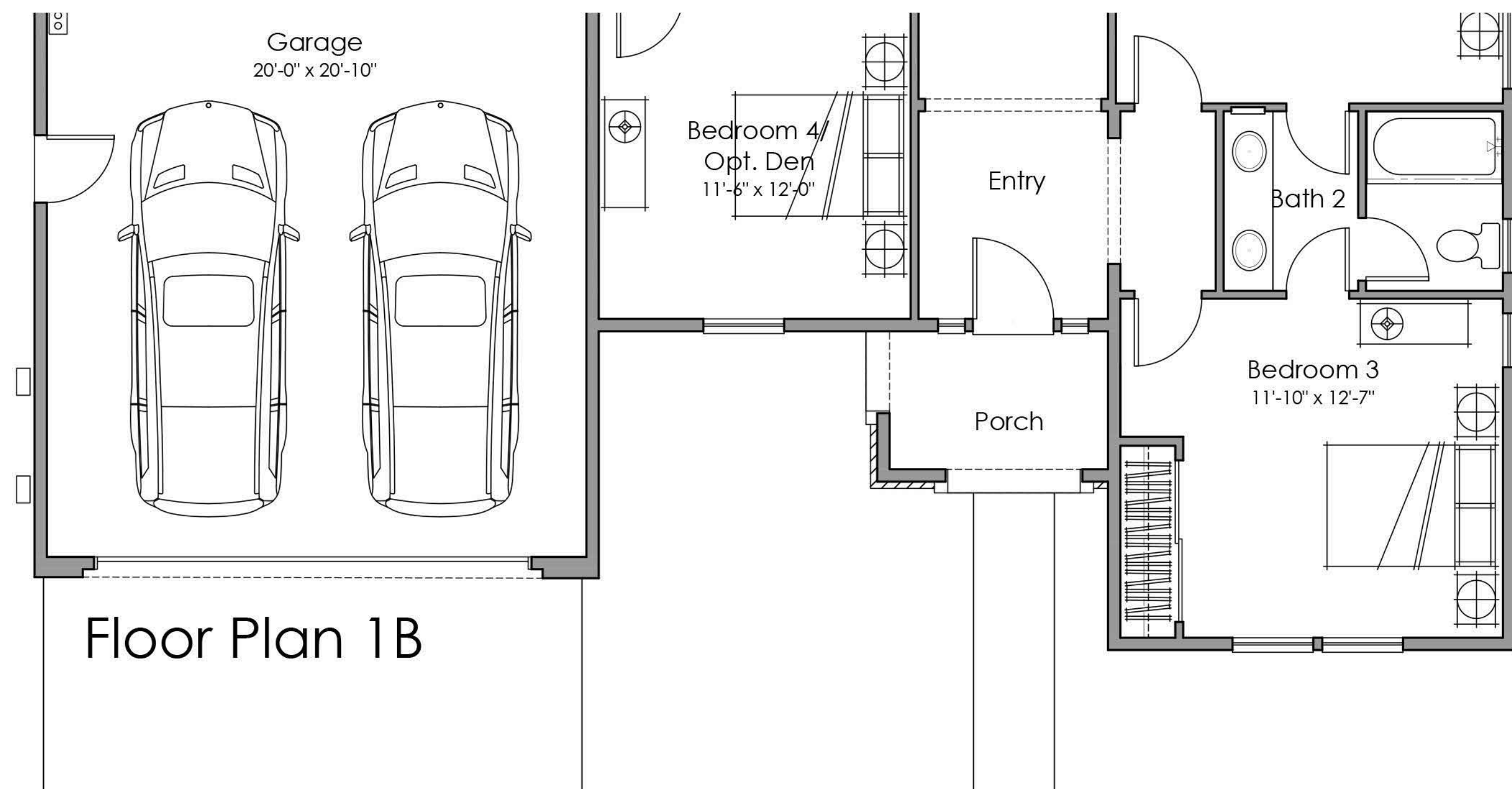
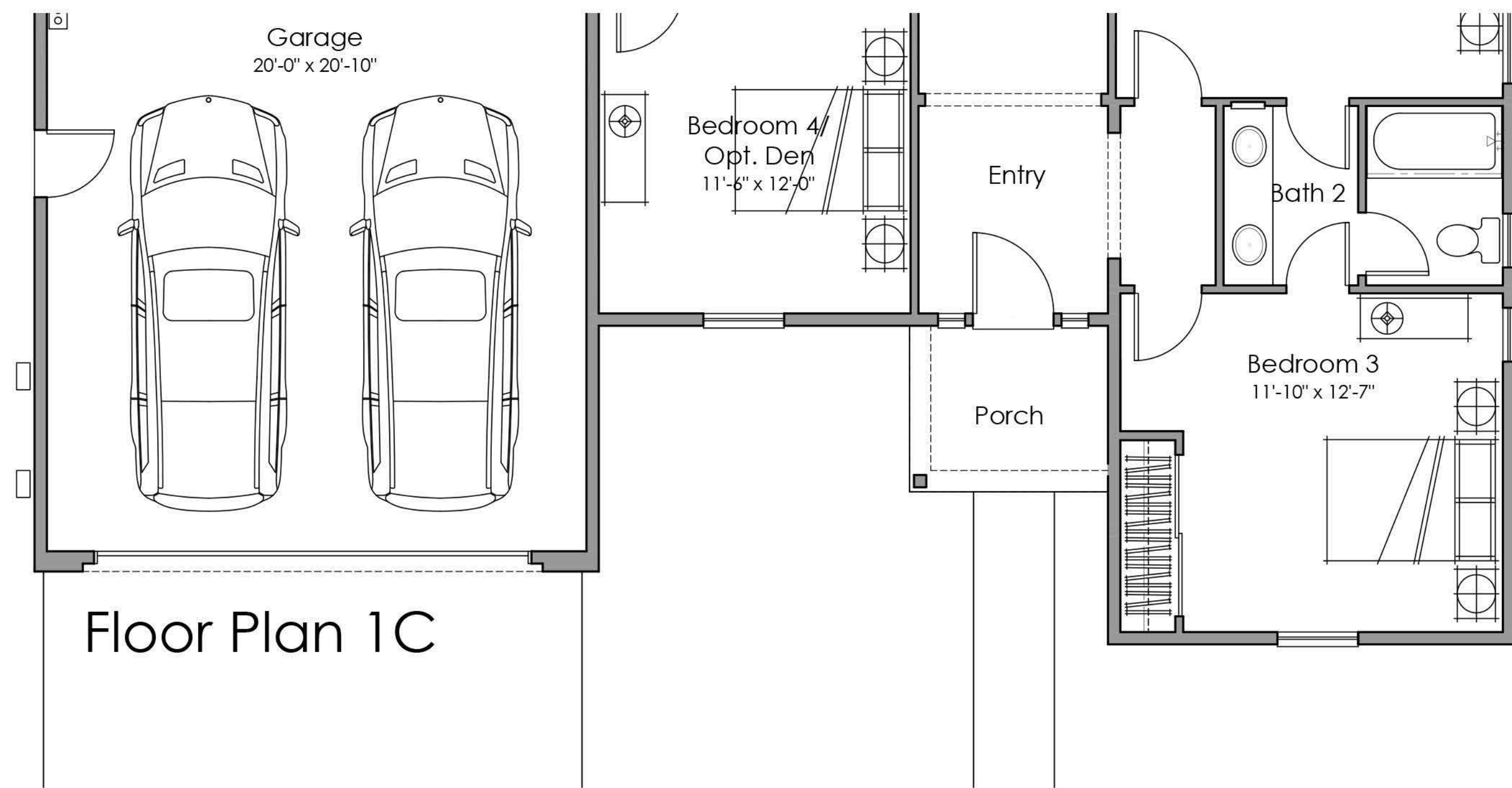
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.0



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

HOUSING TYPOLOGY 4:(70X100)

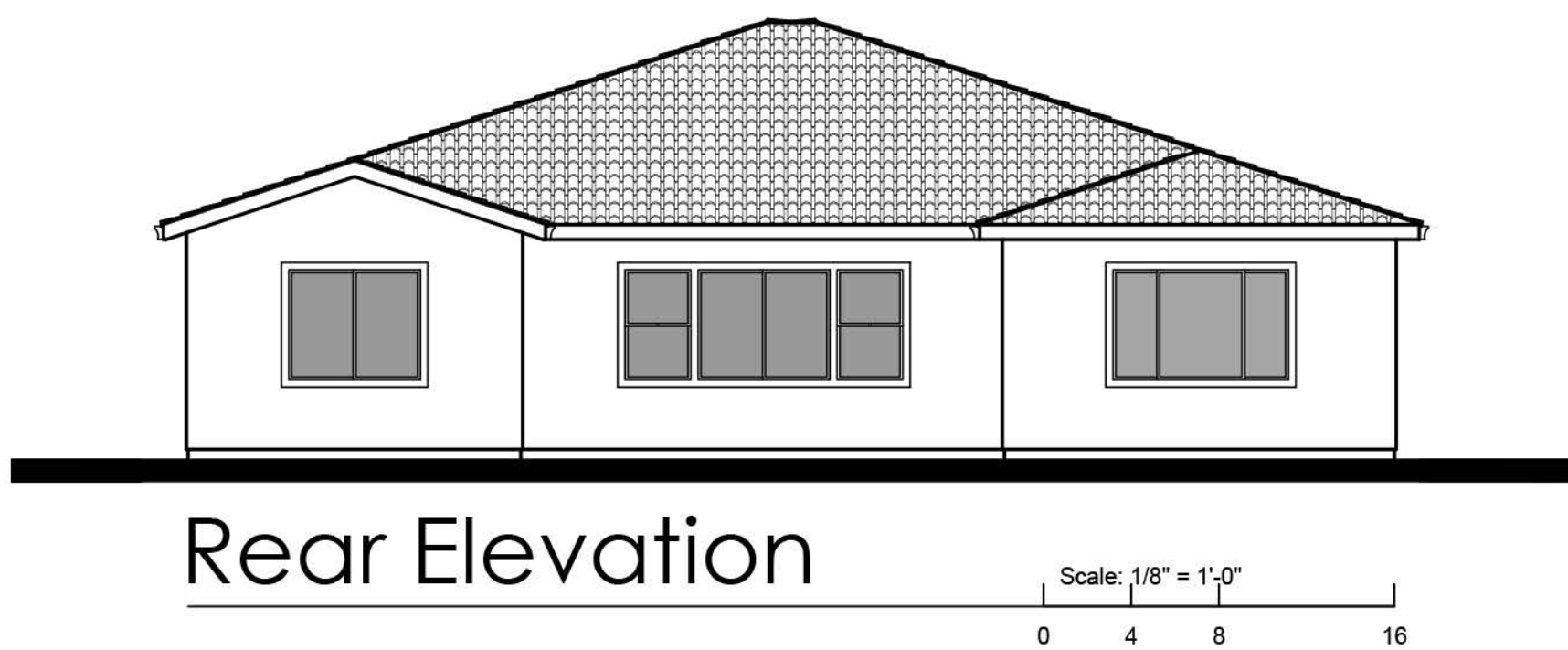


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

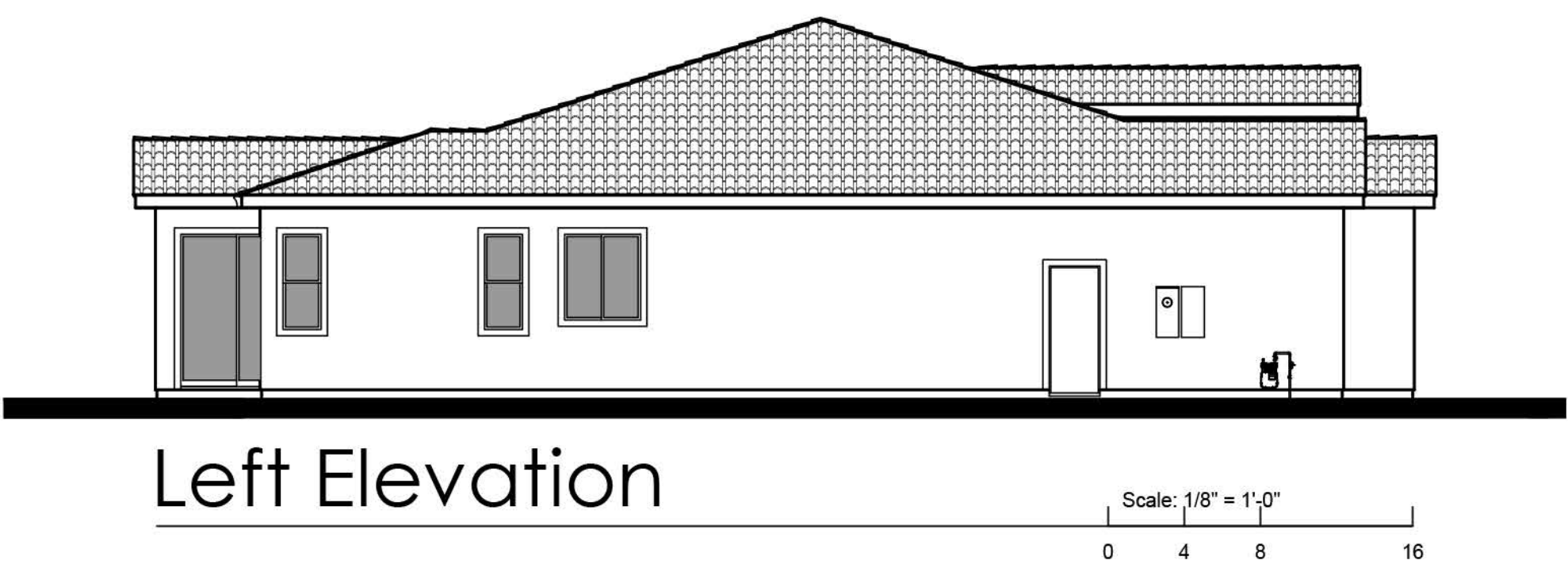
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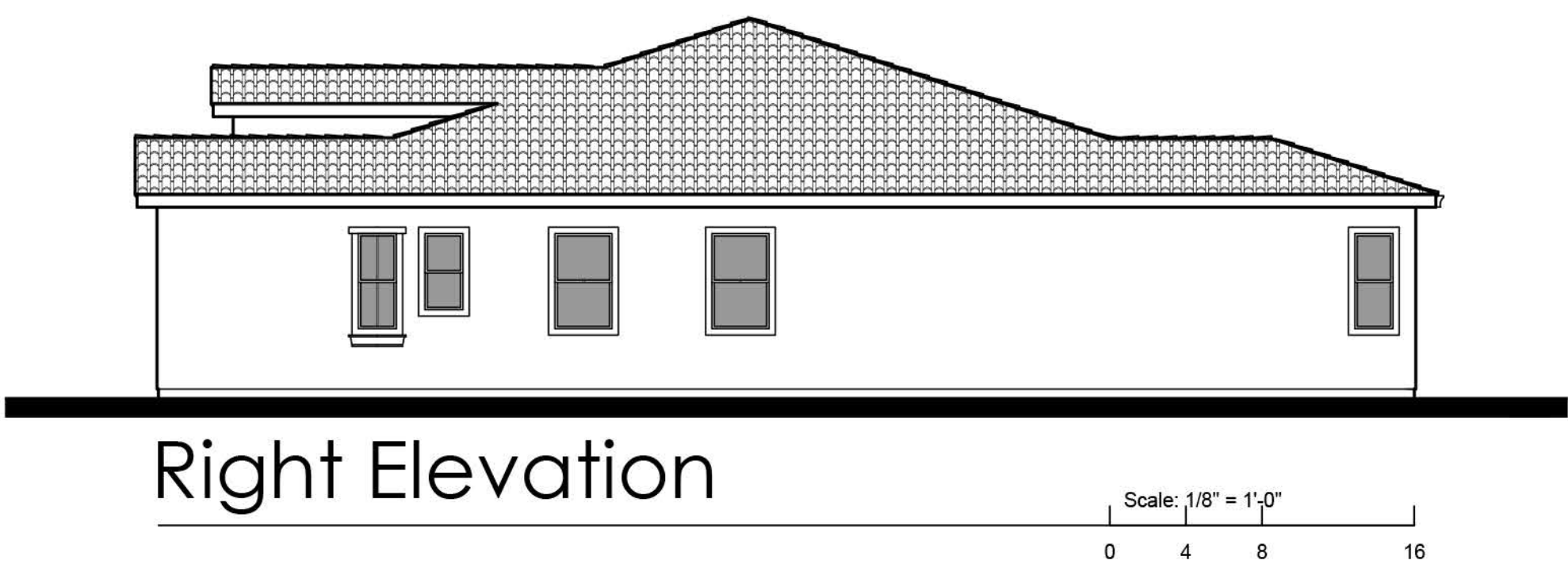
Elevation 1A - Spanish



Rear Elevation



Left Elevation



Right Elevation

PLAN 1A	
FIRST FLOOR	2,588 SQ. FT.
TOTAL LIVING	2,588 SQ. FT.
GARAGE (2 CAR)	450 SQ. FT.
PORCH	141 SQ. FT.
OPT. OUTDOOR ROOM	213 SQ. FT.

PLAN 1, ELEV. A
SPANISH ELEVATIONS

HOUSING TYPOLOGY 4:(70X100)

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



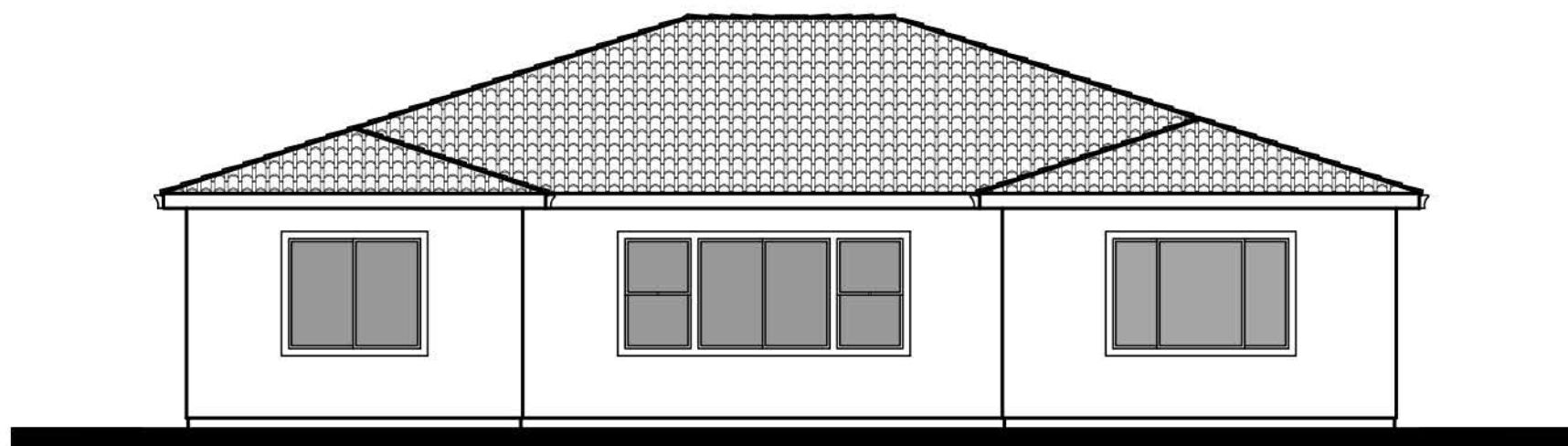
JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.1



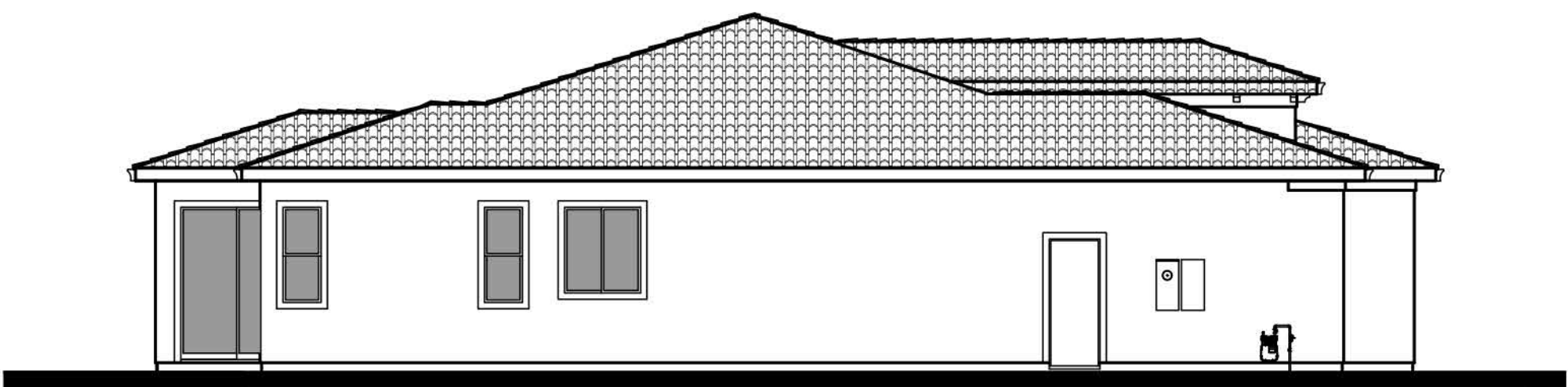
Elevation 1B - Italianate

Scale: 1/4" = 1'-0"



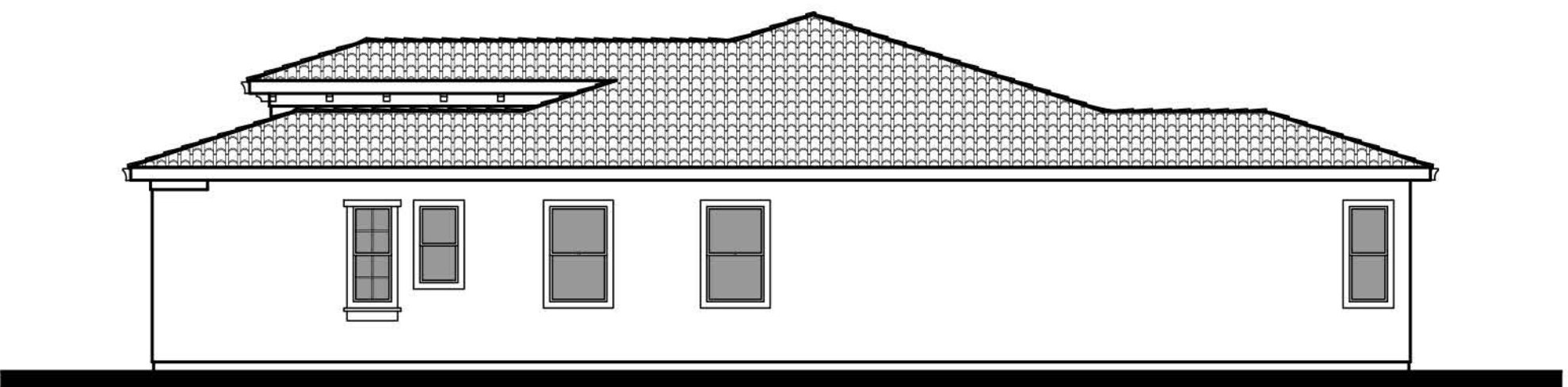
Rear Elevation

Scale: 1/8" = 1'-0"



Left Elevation

Scale: 1/8" = 1'-0"



Right Elevation

Scale: 1/8" = 1'-0"

PLAN 1B	
FIRST FLOOR	2,588 SQ. FT.
TOTAL LIVING	2,588 SQ. FT.
GARAGE (2 CAR)	450 SQ. FT.
PORCH	48 SQ. FT.
OPT. OUTDOOR ROOM	213 SQ. FT.

PLAN 1, ELEV. B
ITALIANATE
ELEVATIONS

HOUSING TYPOLOGY 4:(70X100)

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



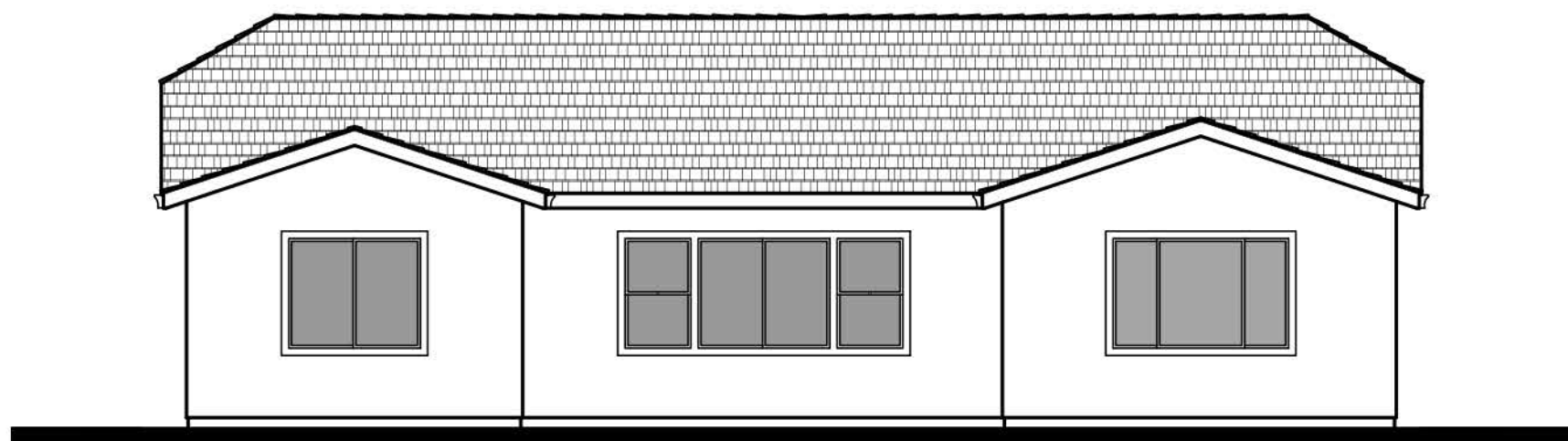
JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.2



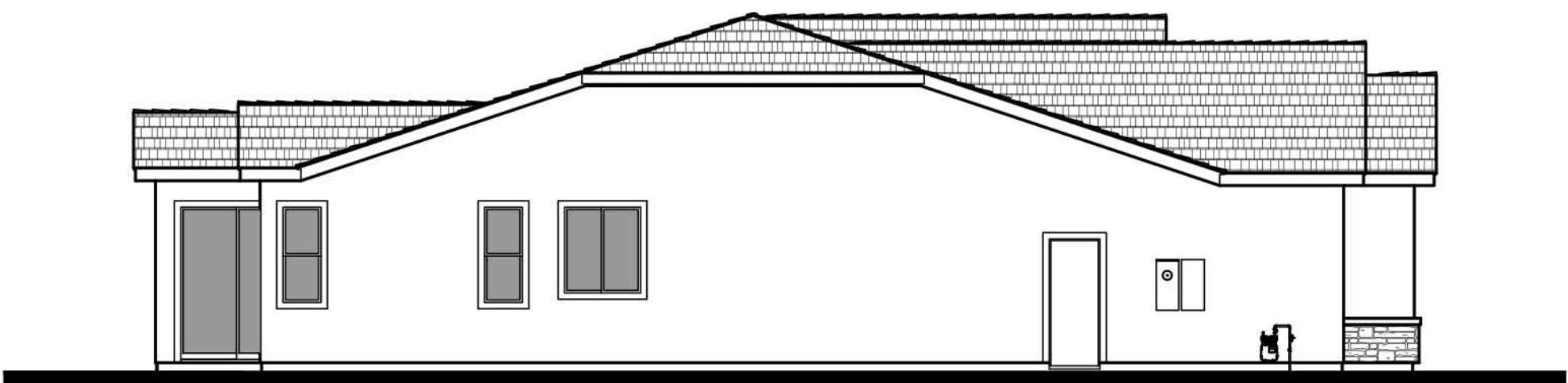
Elevation 1C - French Country

Scale: 1/4" = 1'-0"
0 2 4 8



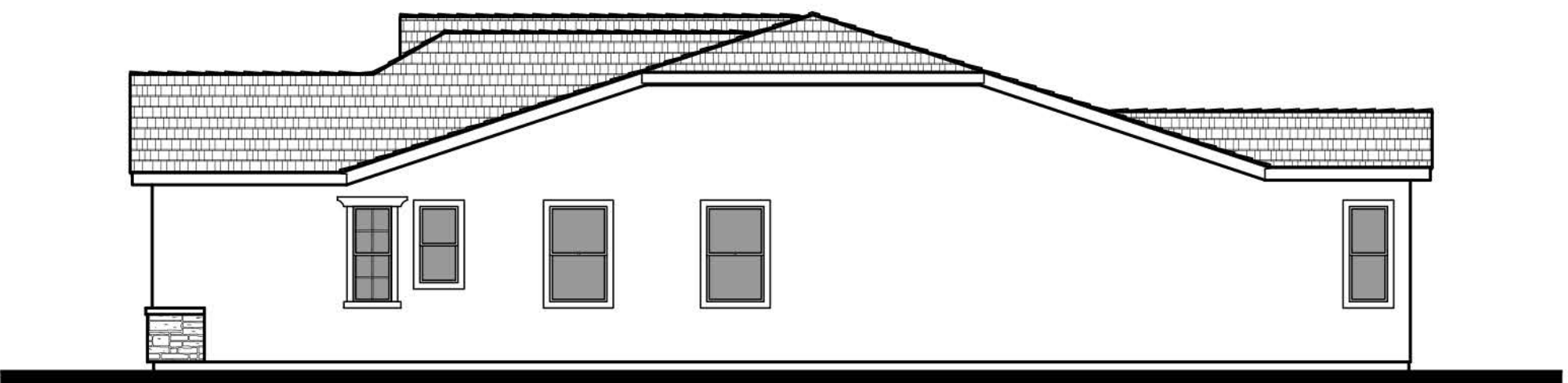
Rear Elevation

Scale: 1/8" = 1'-0"
0 4 8 16



Left Elevation

Scale: 1/8" = 1'-0"
0 4 8 16



Right Elevation

Scale: 1/8" = 1'-0"
0 4 8 16

PLAN 1C	
FIRST FLOOR	2,588 SQ. FT.
TOTAL LIVING	2,588 SQ. FT.
GARAGE (2 CAR)	450 SQ. FT.
PORCH	58 SQ. FT.
OPT. OUTDOOR ROOM	213 SQ. FT.

PLAN 1, ELEV. C
FRENCH COUNTRY
ELEVATIONS

HOUSING TYPOLOGY 4:(70X100)

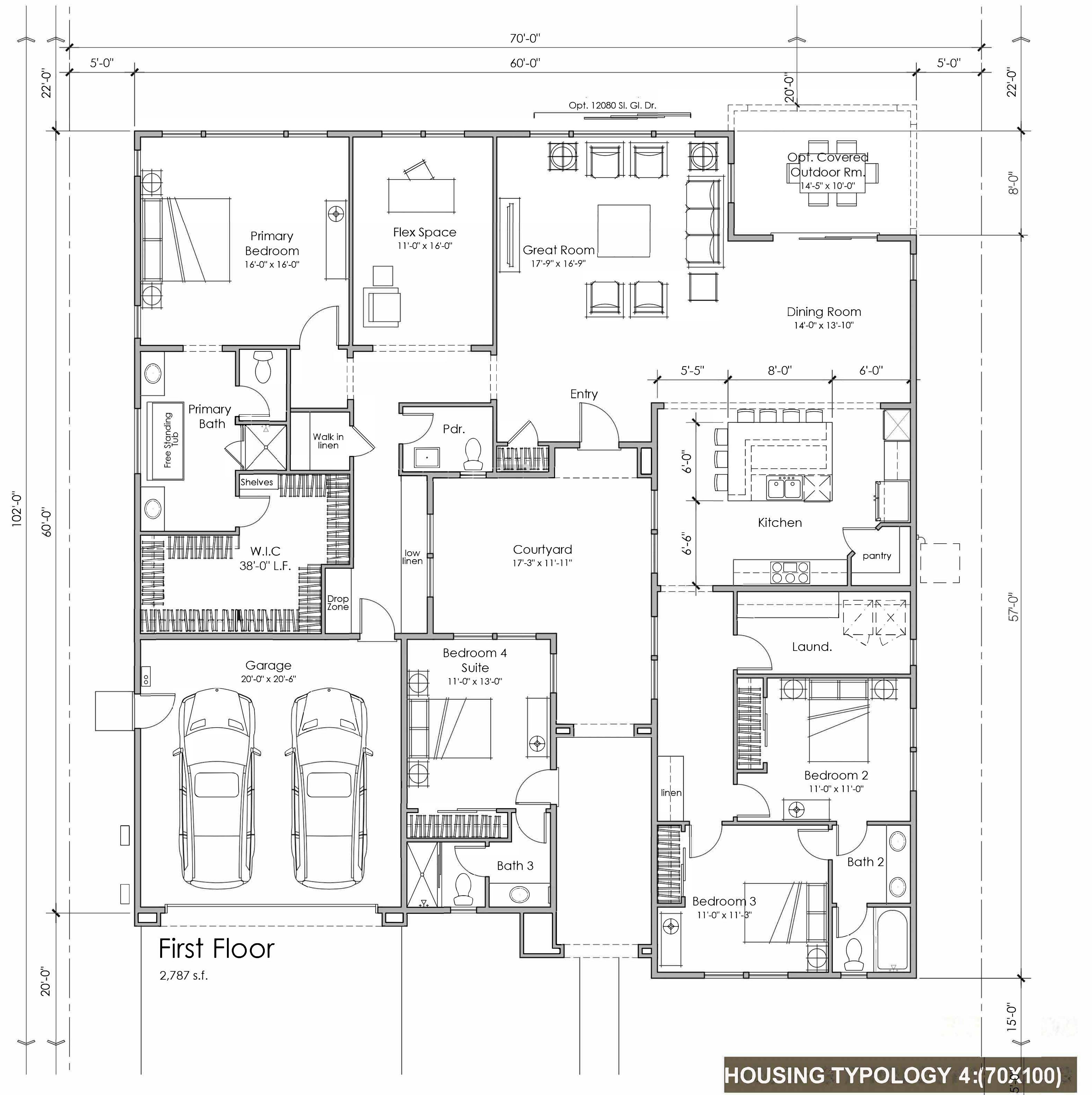
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.3



HOUSING TYPOLOGY 4: (70X100)

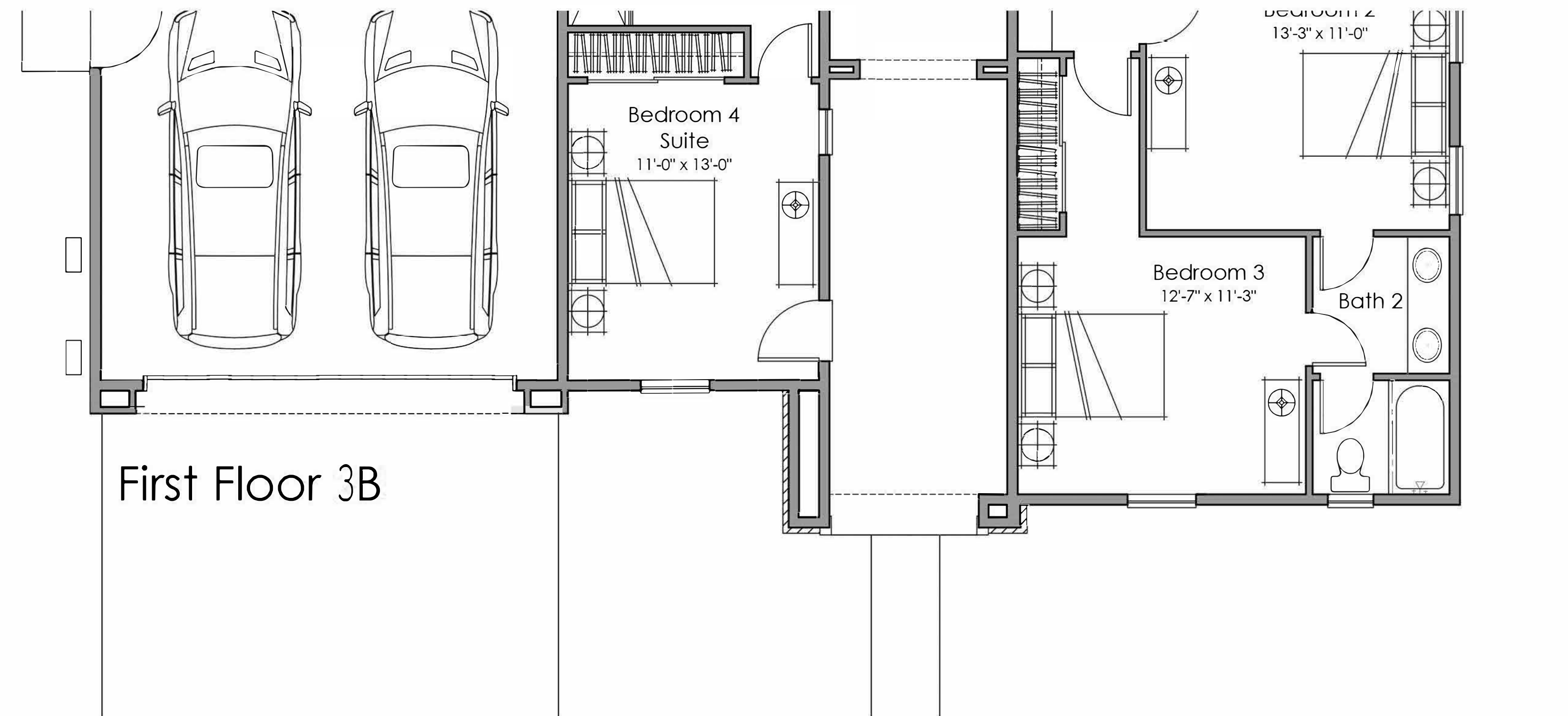
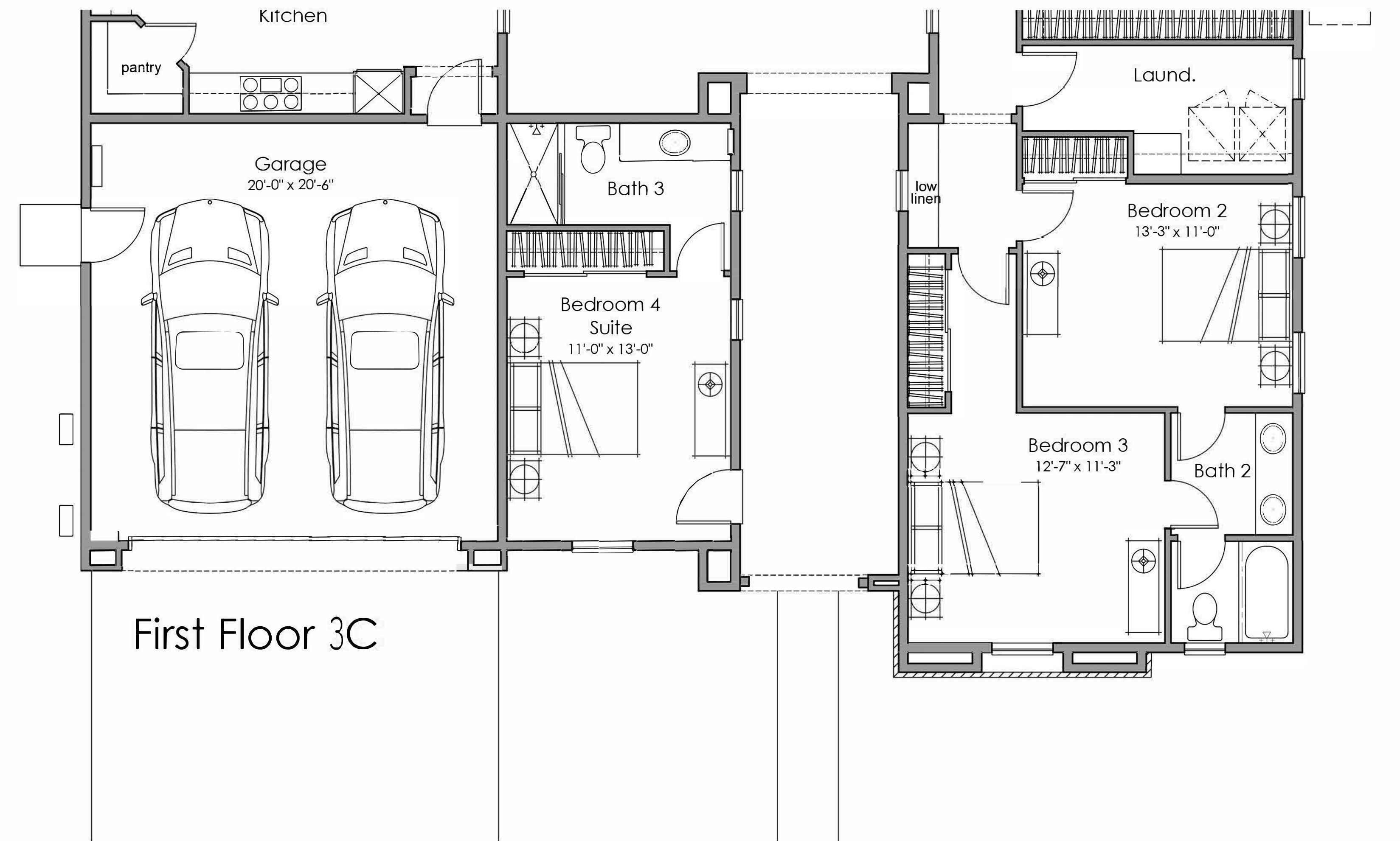
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.4



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



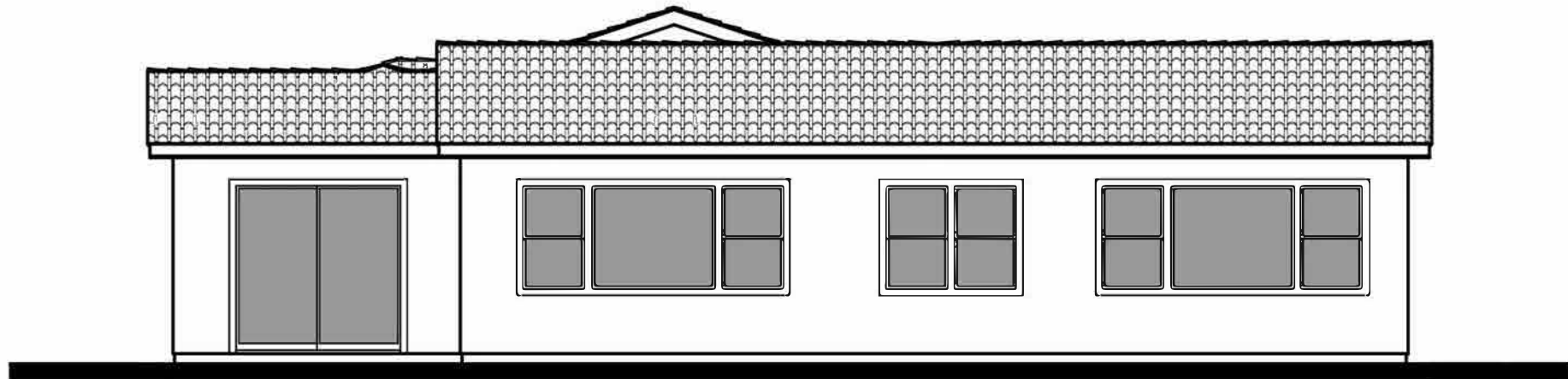
JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.4.1



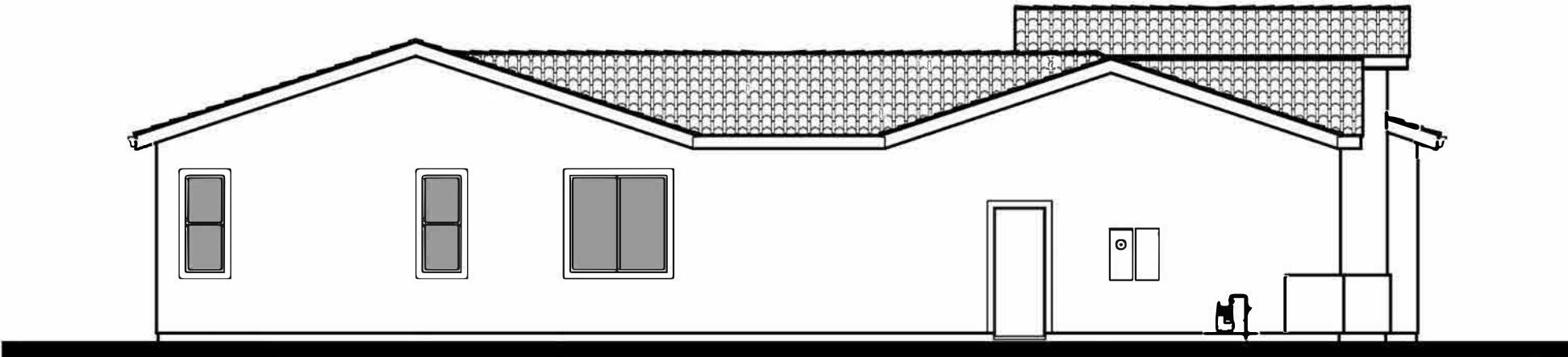
Elevation 3A - Spanish

Scale: 1/4" = 1'-0"



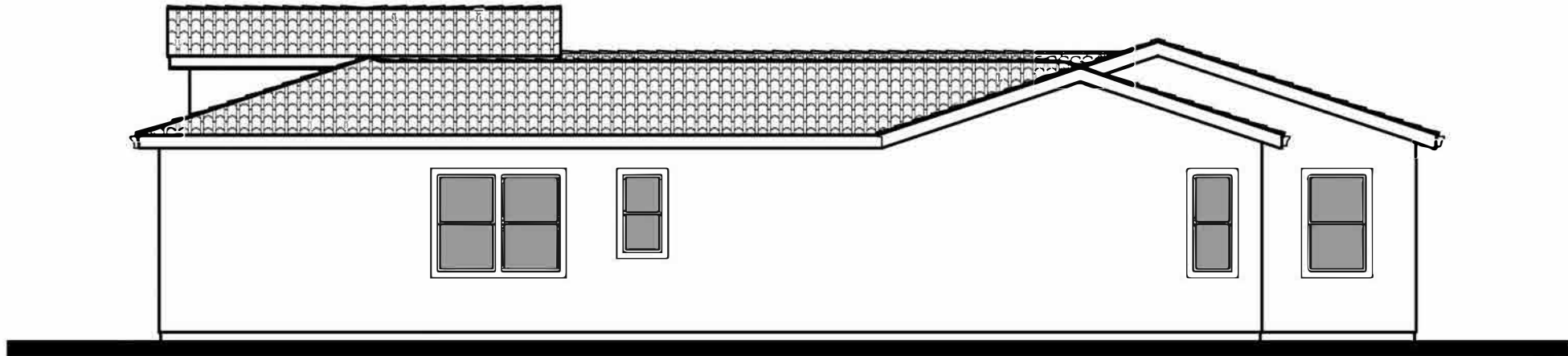
Rear Elevation

Scale: 1/8" = 1'-0"



Left Elevation

Scale: 1/8" = 1'-0"



Right Elevation

Scale: 1/8" = 1'-0"

PLAN 3A	
FIRST FLOOR	2,787 SQ. FT.
TOTAL LIVING	2,787 SQ. FT.
GARAGE (2 CAR)	430 SQ. FT.
PORCH	15 SQ. FT.
COVERED ENTRY PORCH	132 SQ. FT.
OPT. OUTDOOR ROOM	141 SQ. FT.

PLAN 3, ELEV. A
SPANISH ELEVATIONS

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



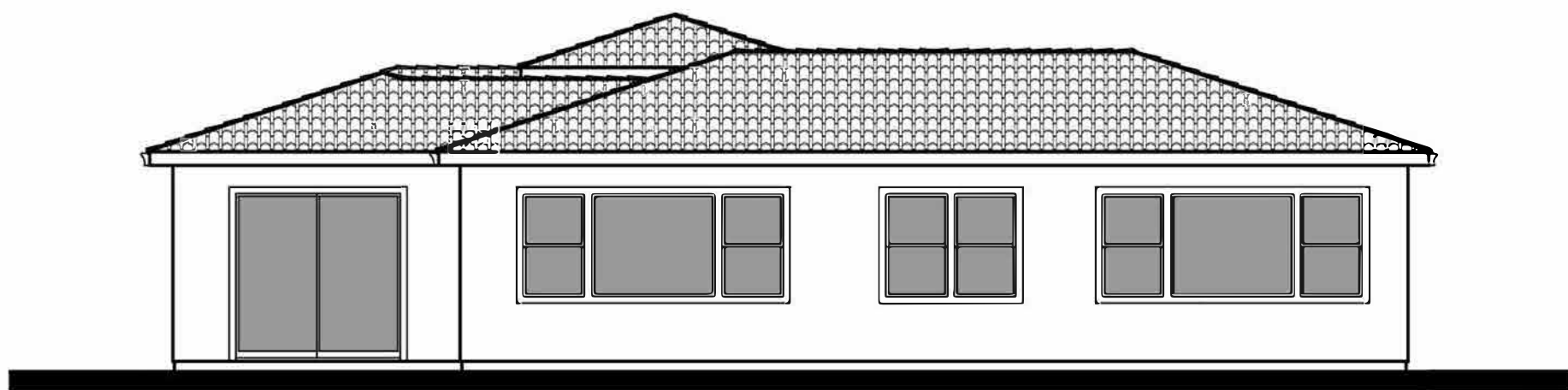
JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.5



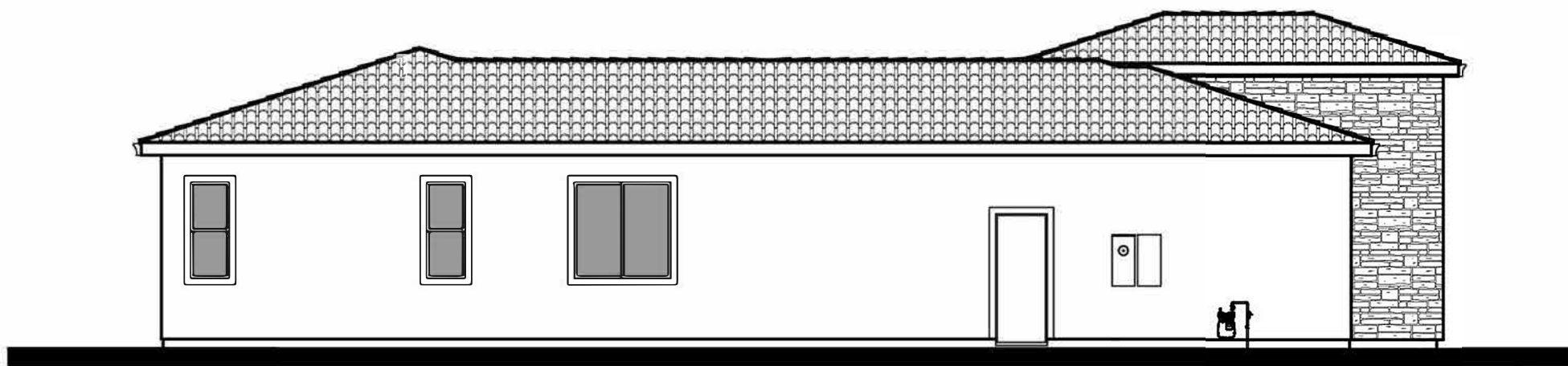
Elevation 3B - Italianate

Scale: 1/4" = 1'-0"
0 2 4 8



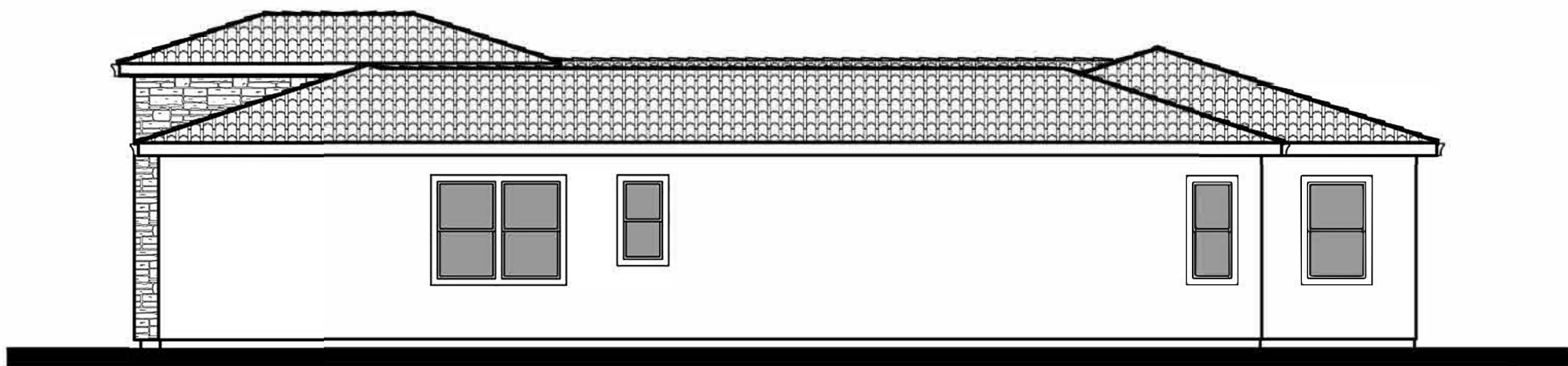
Rear Elevation

Scale: 1/8" = 1'-0"
0 4 8 16



Left Elevation

Scale: 1/8" = 1'-0"
0 4 8 16



Right Elevation

Scale: 1/8" = 1'-0"
0 4 8 16

PLAN 3B	
FIRST FLOOR	2,787 SQ. FT.
TOTAL LIVING	2,787 SQ. FT.
GARAGE (2 CAR)	430 SQ. FT.
PORCH	15 SQ. FT.
COVERED ENTRY PORCH	151 SQ. FT.
OPT. OUTDOOR ROOM	141 SQ. FT.

PLAN 3, ELEV. B
ITALIANATE
ELEVATIONS

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



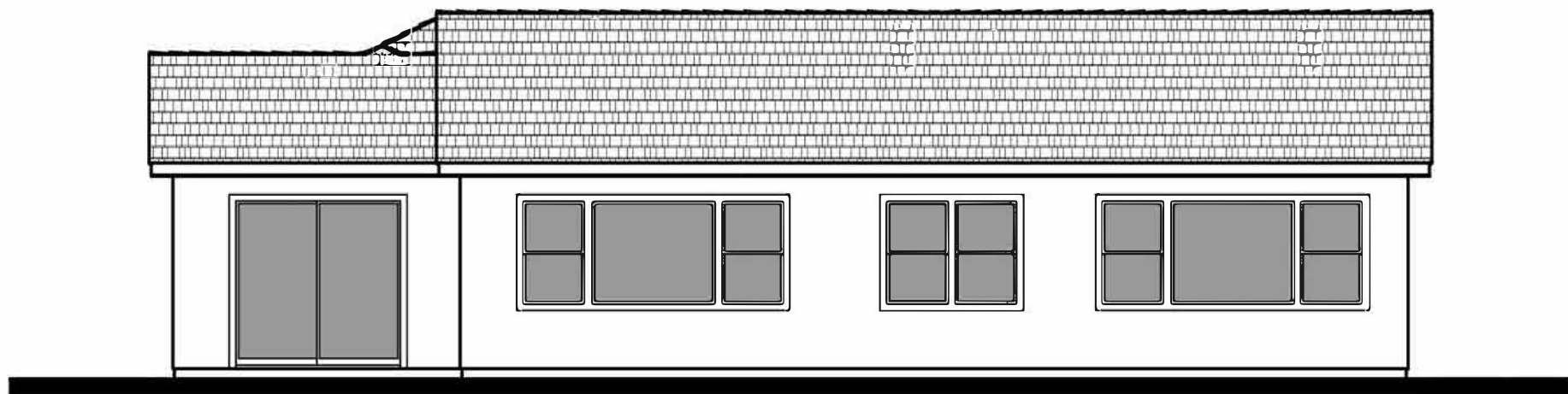
JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.6



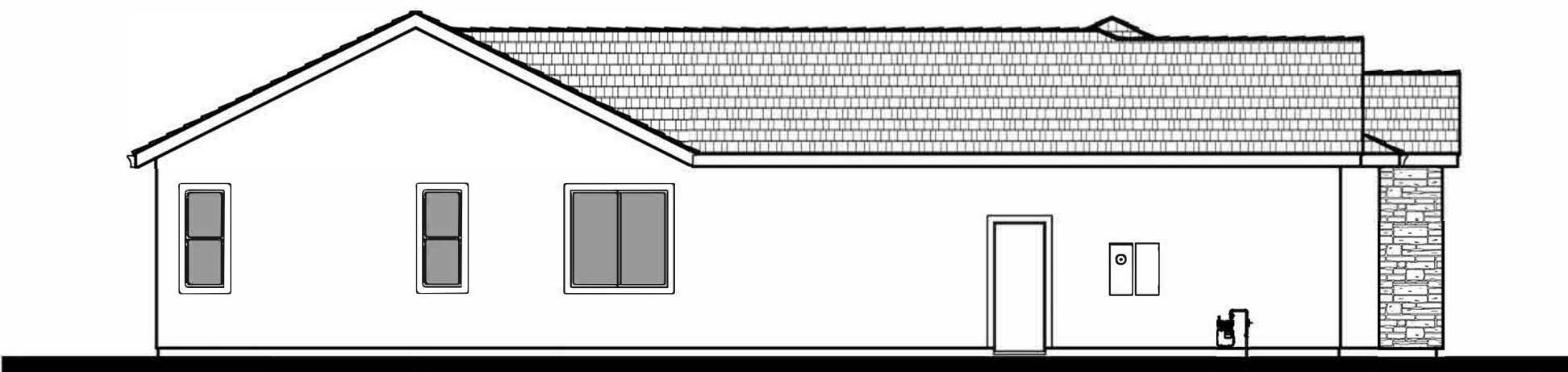
Elevation 3C - French Country

Scale: 1/4" = 1'-0"



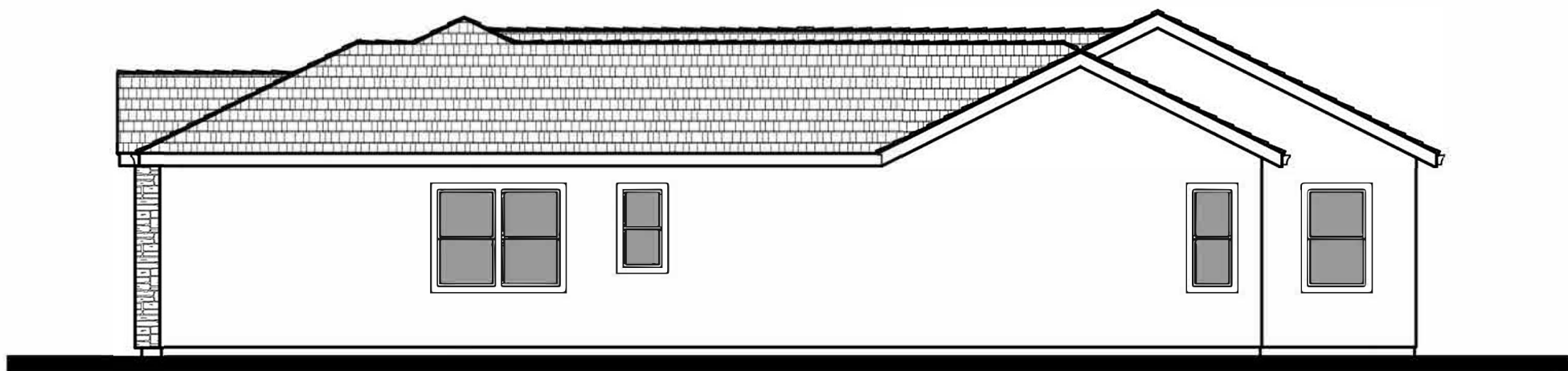
Rear Elevation

Scale: 1/8" = 1'-0"



Left Elevation

Scale: 1/8" = 1'-0"



Right Elevation

Scale: 1/8" = 1'-0"

PLAN 3C	
FIRST FLOOR	2,787 SQ. FT.
TOTAL LIVING	2,787 SQ. FT.
GARAGE (2 CAR)	430 SQ. FT.
PORCH	15 SQ. FT.
COVERED ENTRY PORCH	187 SQ. FT.
OPT. OUTDOOR ROOM	141 SQ. FT.

PLAN 3, ELEV. C
FRENCH COUNTRY
ELEVATIONS

HOUSING TYPOLOGY 4:(70X100)

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.7



PLAN 1642 R
Spanish Elevation

PLAN 3258
Italianate Elevation

PLAN 1898 R
Mediterranean Elevation

PLAN 2435
Spanish Elevation

PLAN 2311
Italianate Elevation

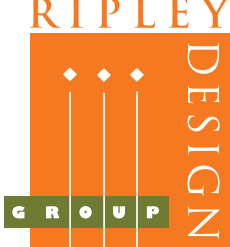
Conceptual Streetscene

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								A8.2	Exterior Color & Materials
								A8.3	Exterior Color & Materials

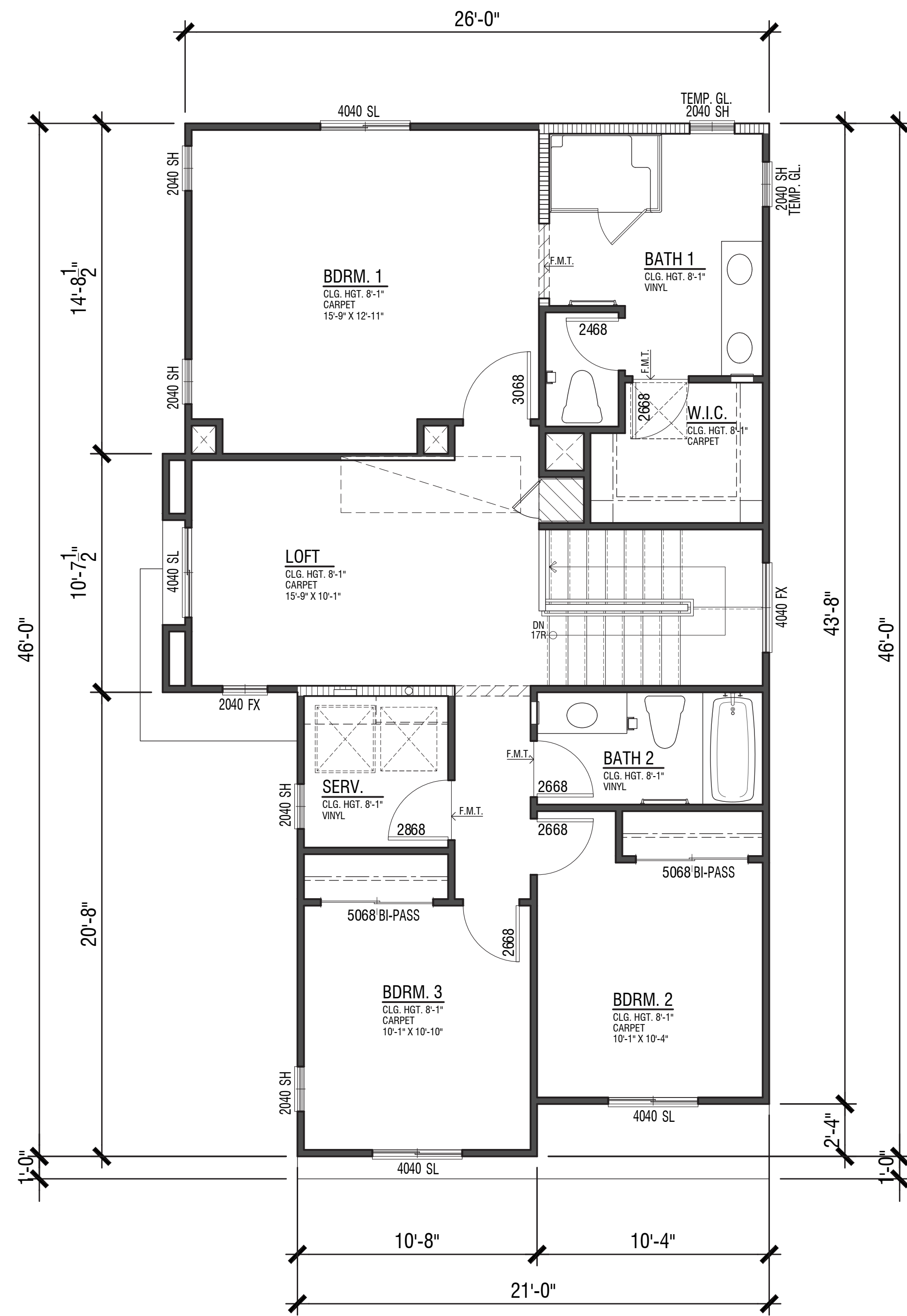
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



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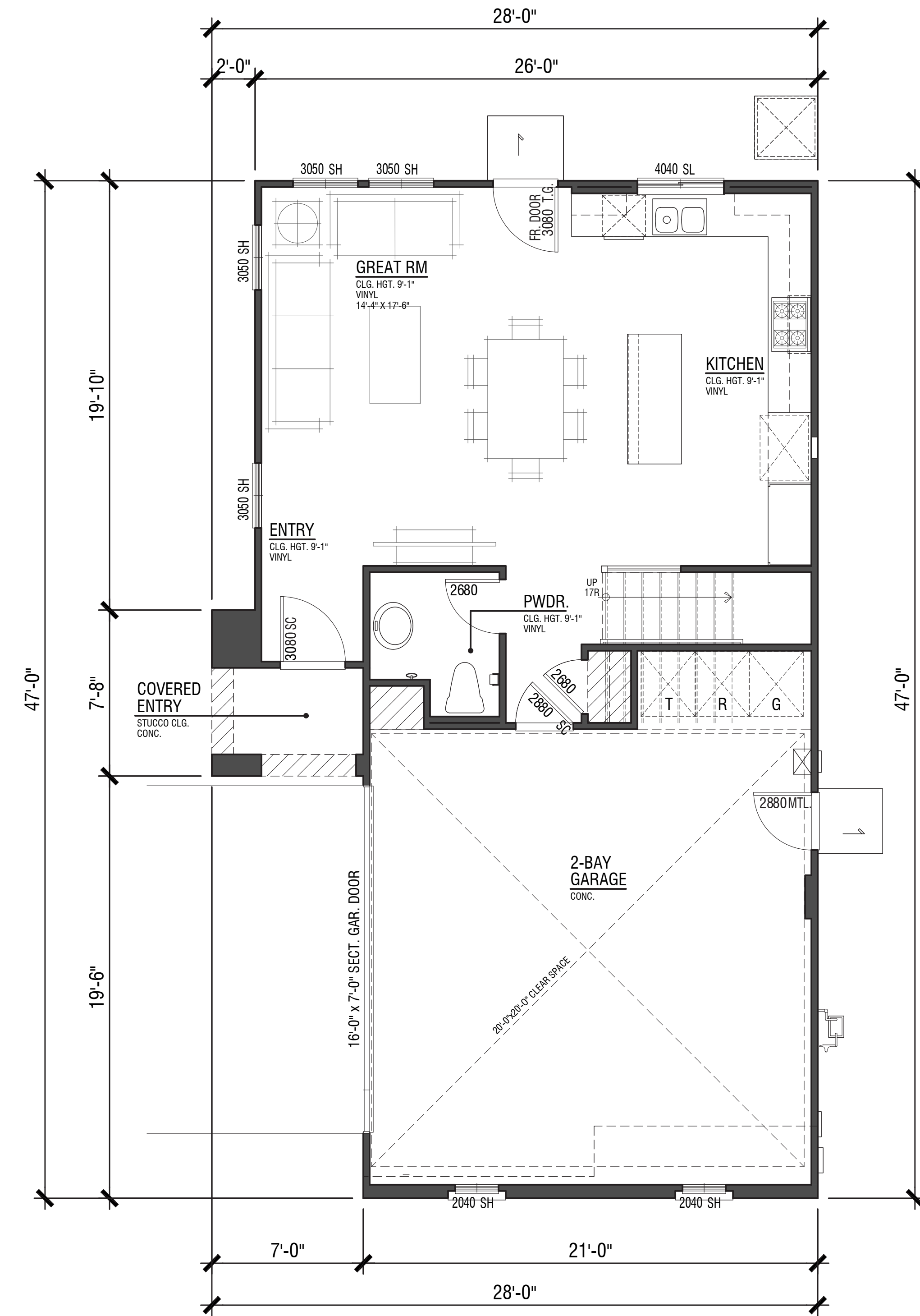
CS



Upper Floor 1,033 SF

PLAN 1642

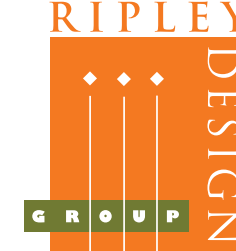
1,642 SF
3 Bdrm | 2.5 Bath | Loft
2-Car Garage



Lower Floor 609 SF

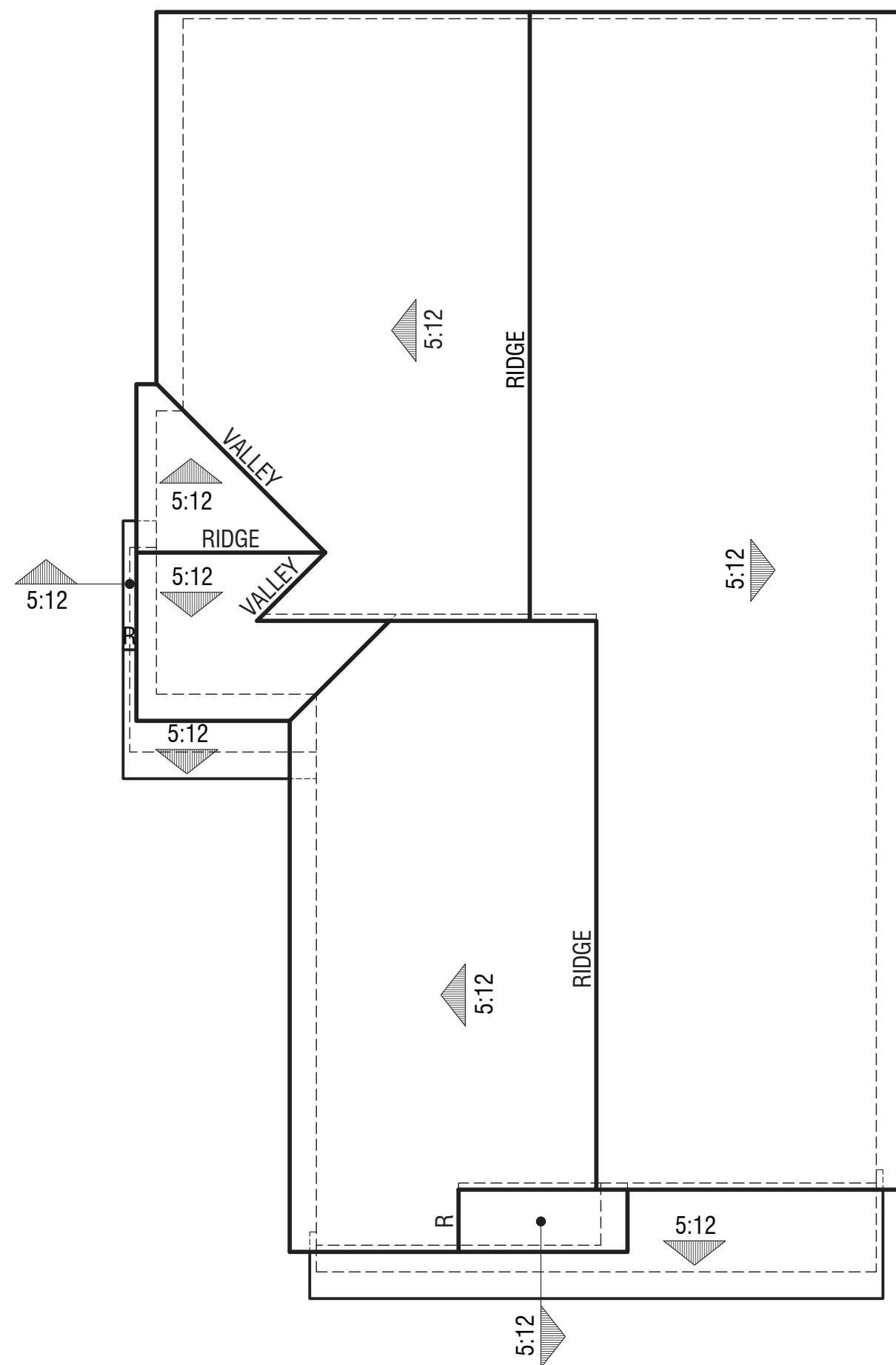
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

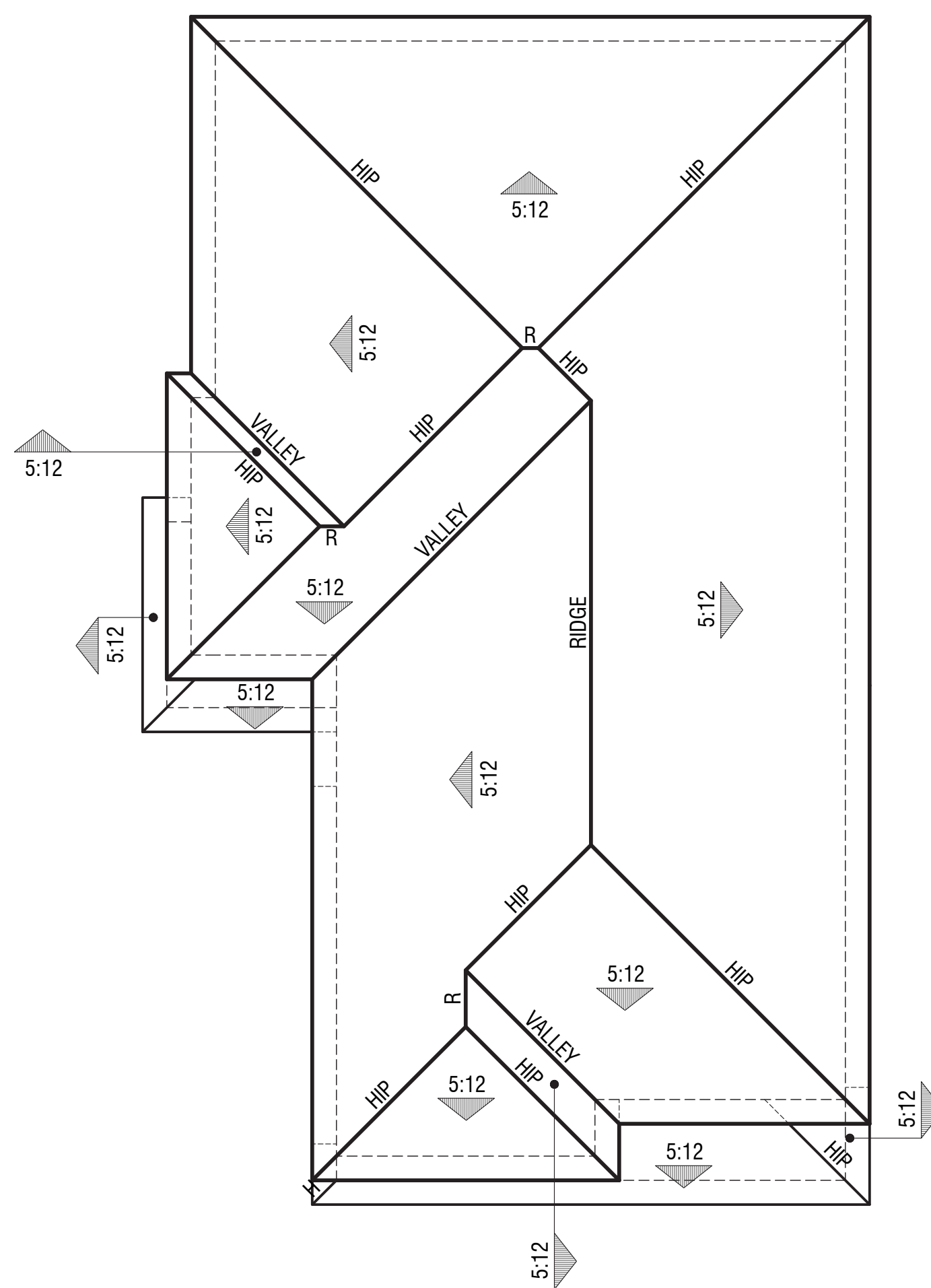


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SCALE AS SHOWN

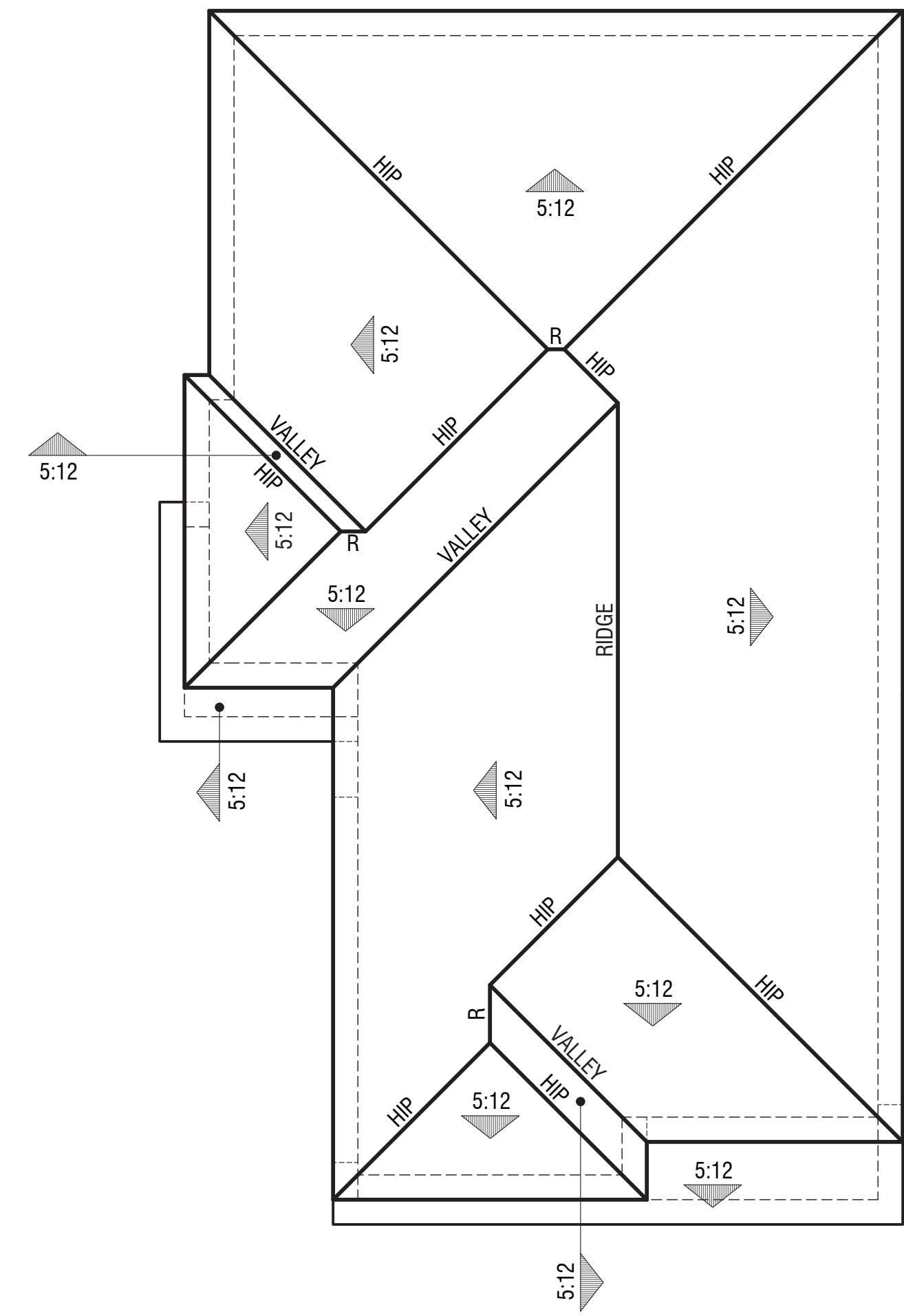
A1.1



Spanish Elevation



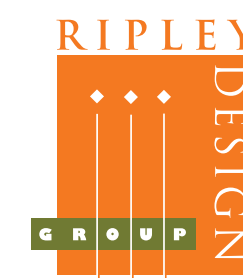
Italianate Elevation



Mediterranean Elevation

PLAN 1642 Roof Plans

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC



JOB NO.	202013-001
DATE	NOV. 2021
SCALE	AS SHOWN

A1.2



Spanish Elevation



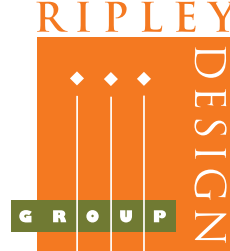
Italianate Elevation



Mediterranean Elevation

PLAN 1642 Front Elevations

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

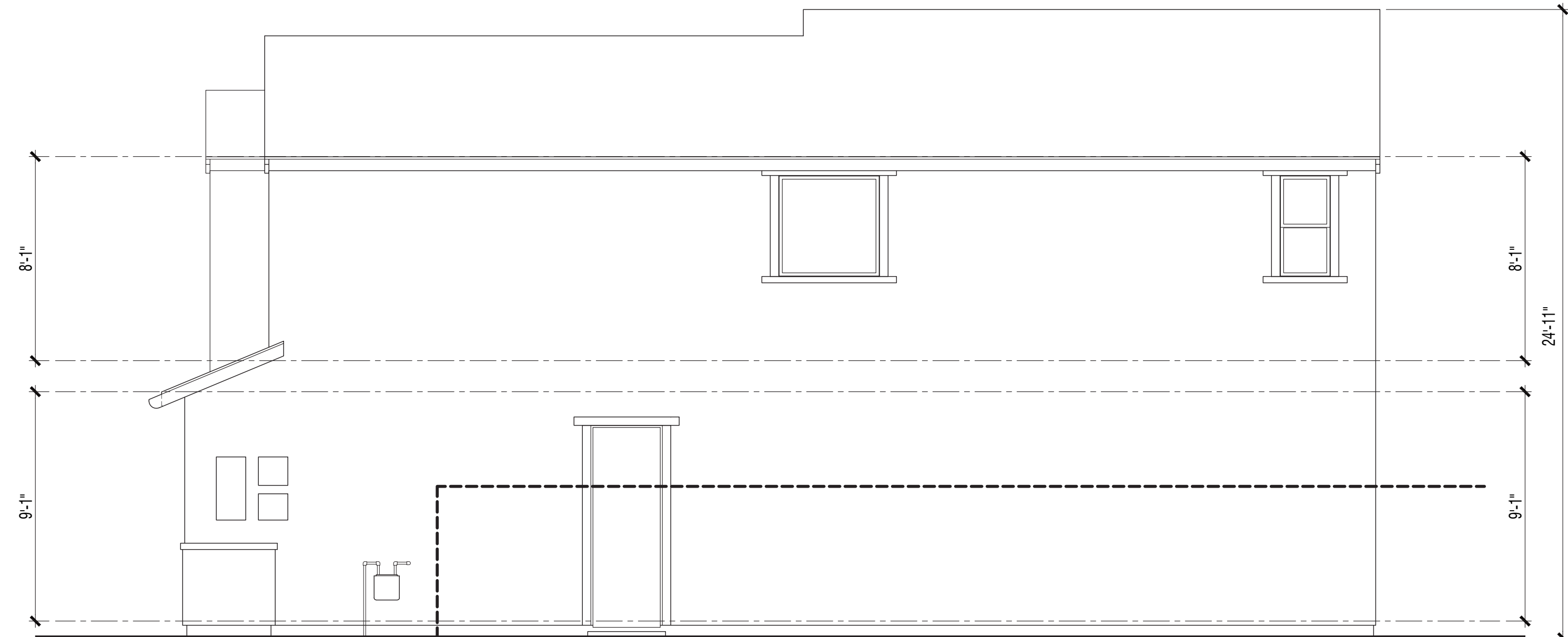


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A1.3



Right Elevation



Rear Elevation



Left Elevation



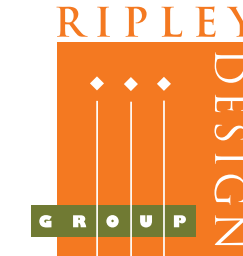
Front Elevation

PLAN 1642

Spanish Elevations

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

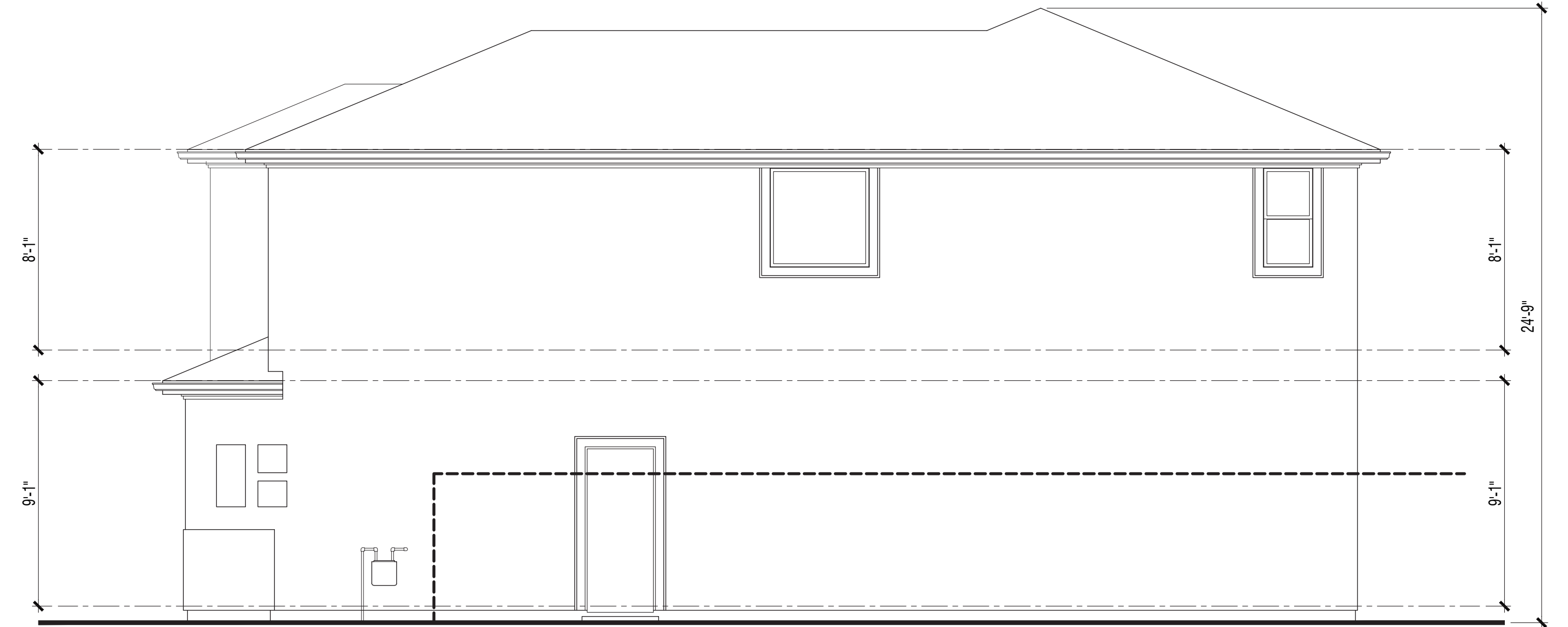


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A1.4



Right Elevation



Rear Elevation



Left Elevation



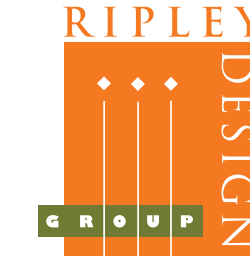
Front Elevation

PLAN 1642

Italianate Elevations

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

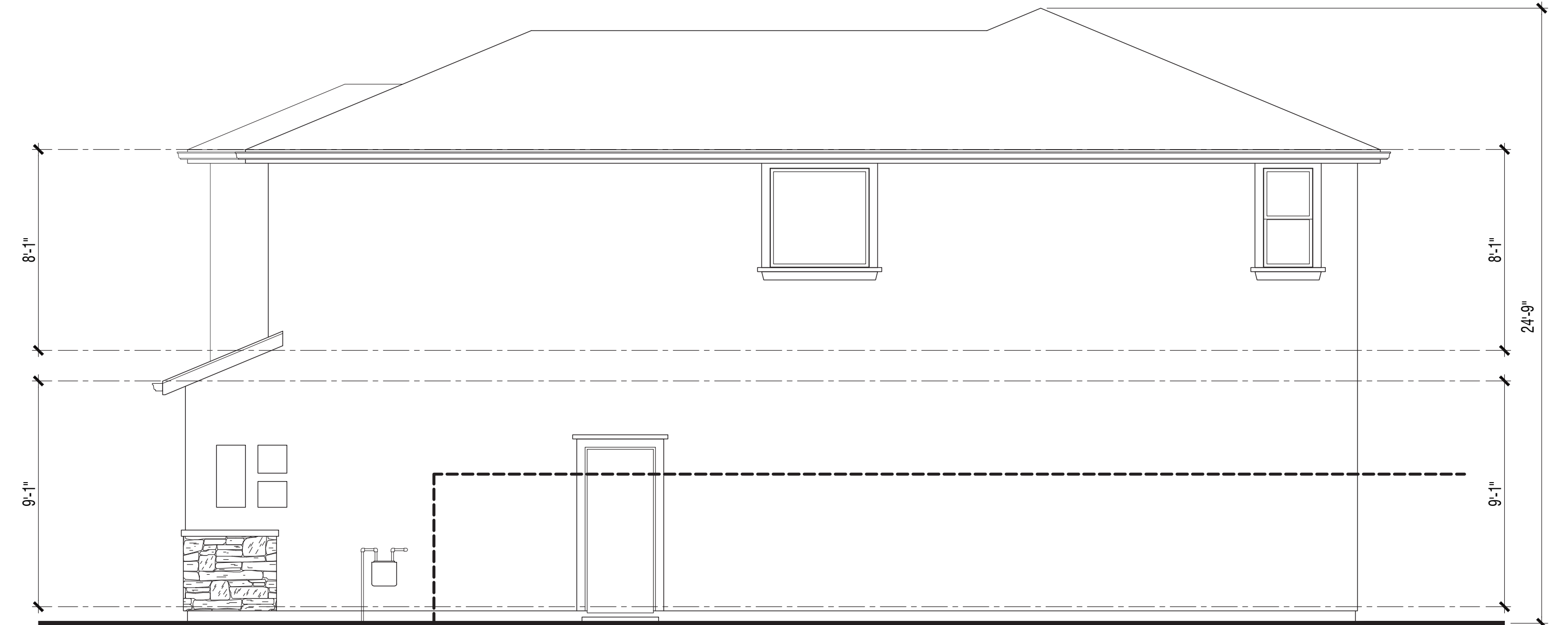


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A1.5



Right Elevation



Rear Elevation



Left Elevation



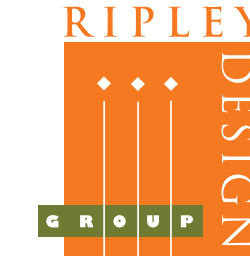
Front Elevation

PLAN 1642

Mediterranean Elevations

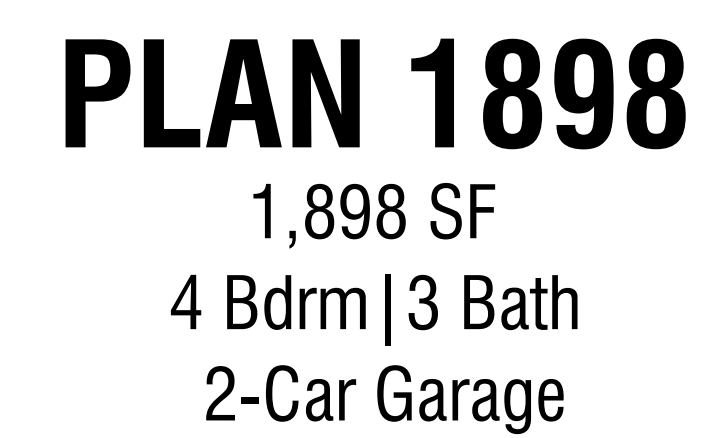
NEW HORIZONS AT MORGAN HILL

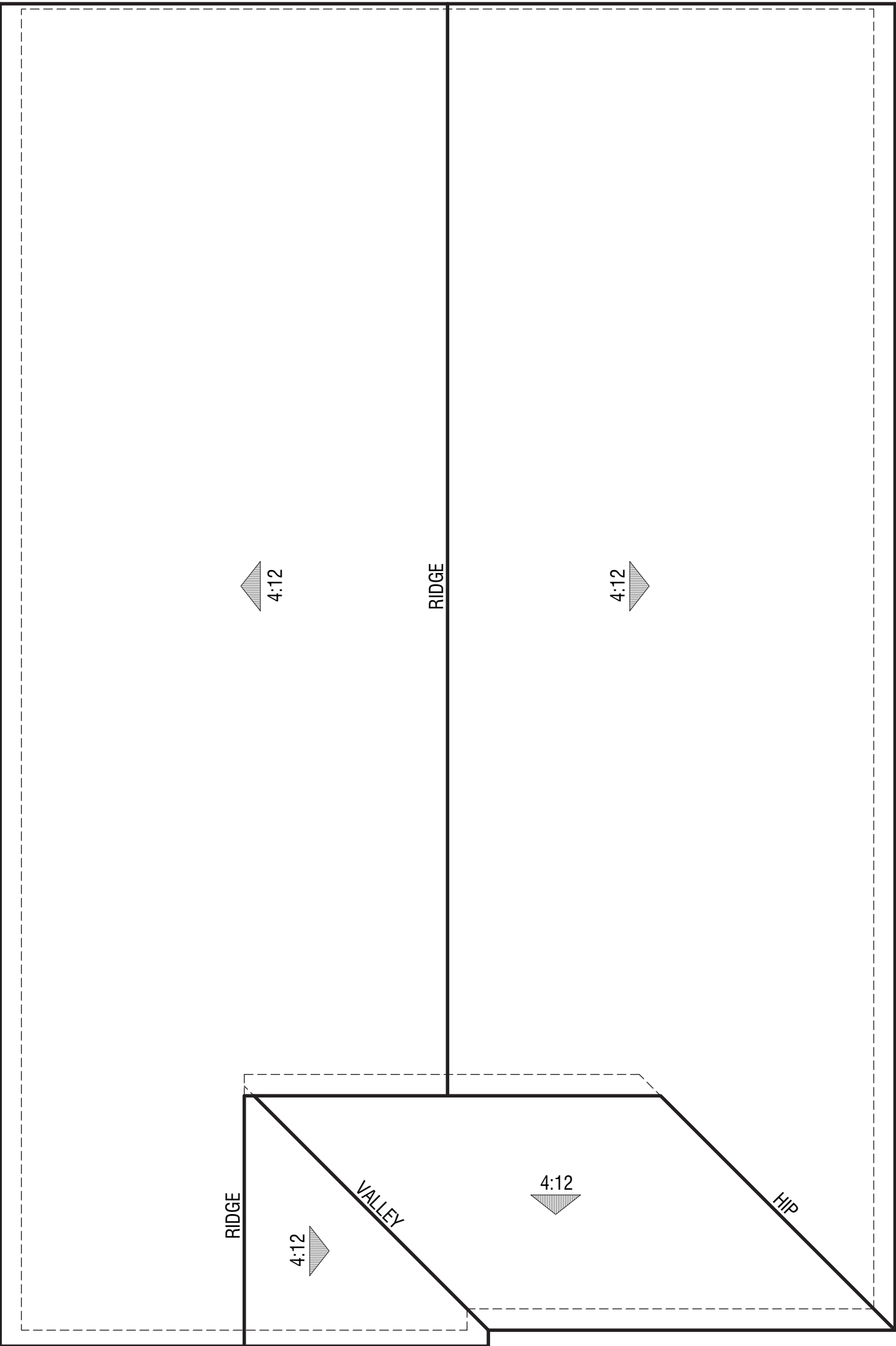
BY MORGAN HILL DEVCO, LLC



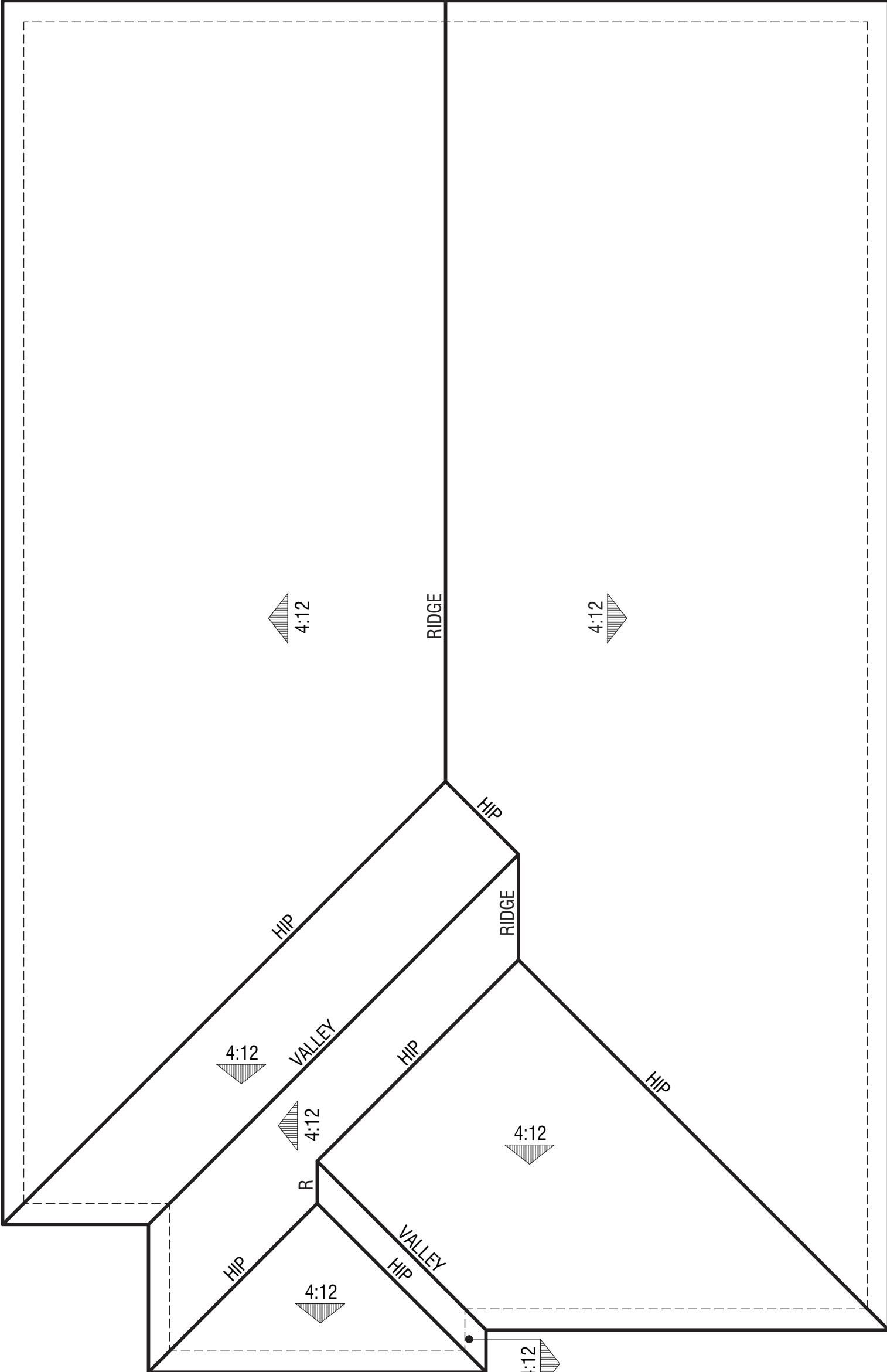
JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A1.6

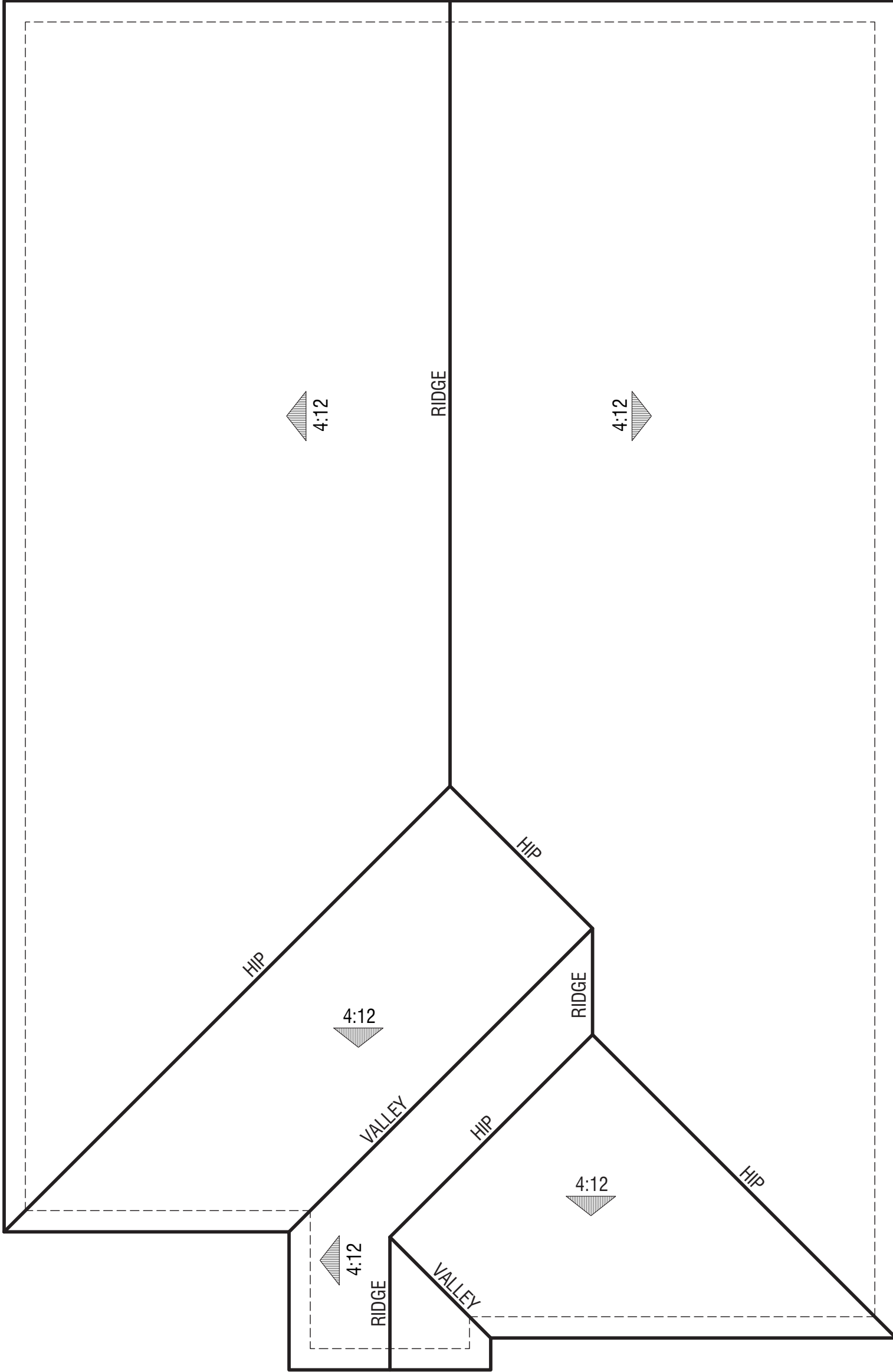




Spanish Elevation



Italianate Elevation

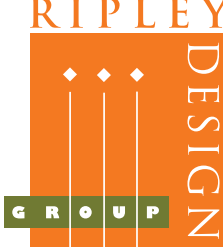


Mediterranean Elevation

PLAN 1898 Roof Plans

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A2.2



Spanish Elevation



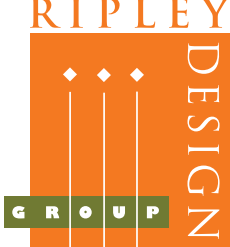
Italianate Elevation



Mediterranean Elevation

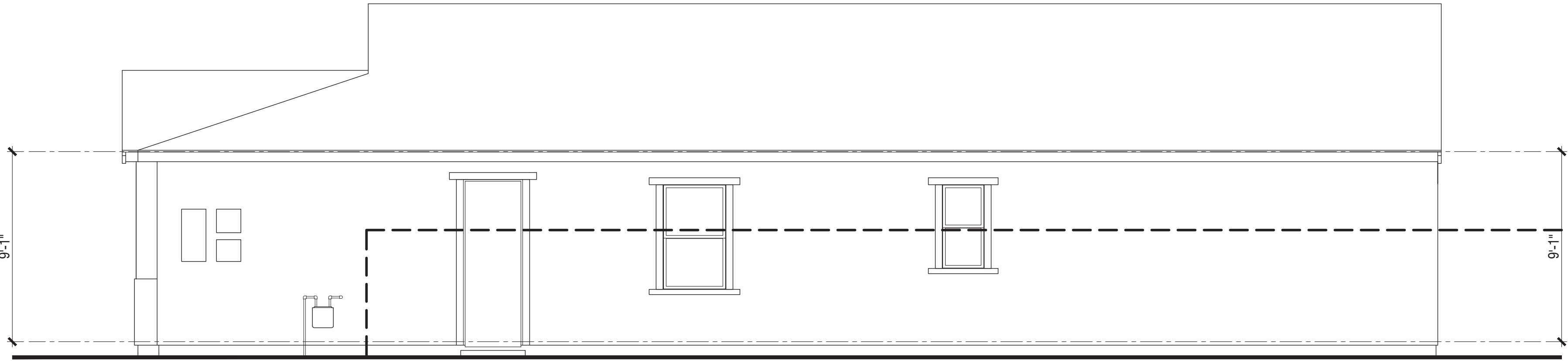
PLAN 1898
Front Elevations

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

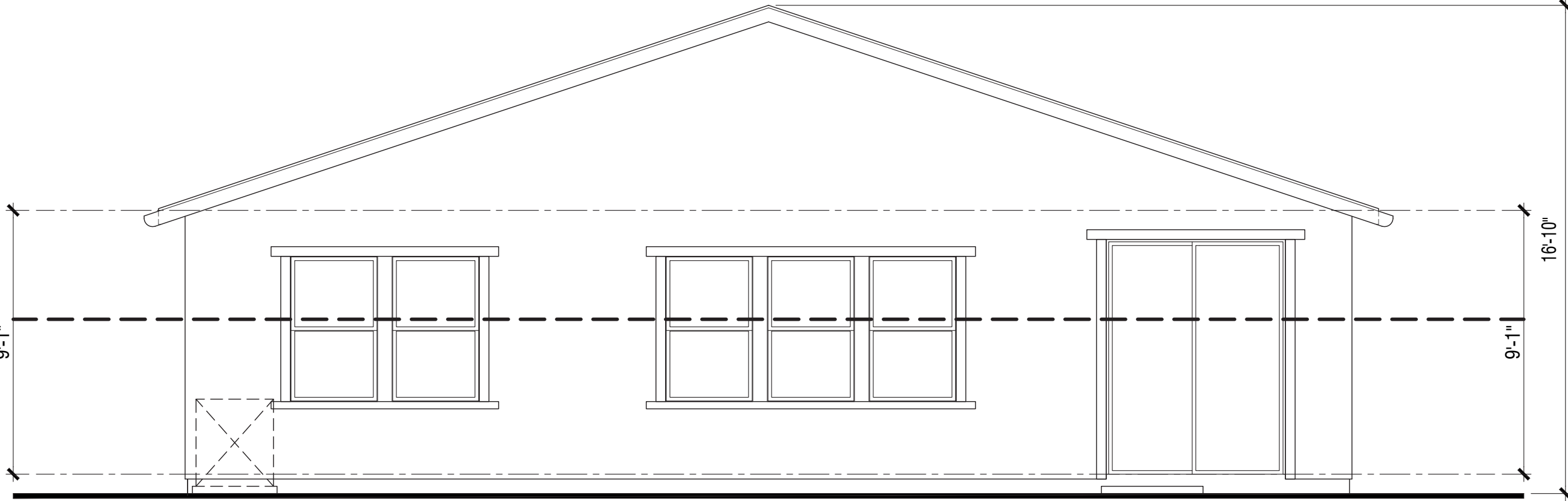


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

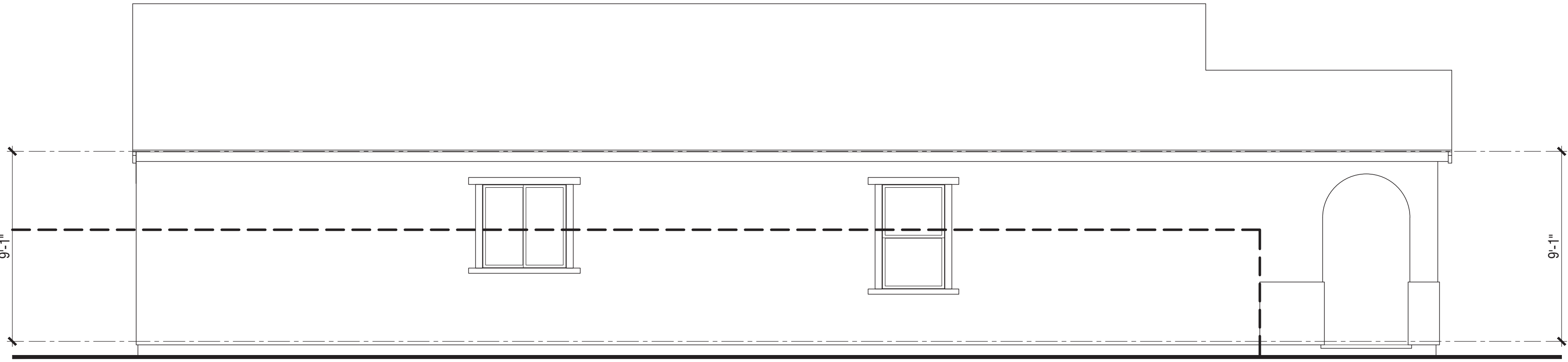
A2.3



Right Elevation



Rear Elevation



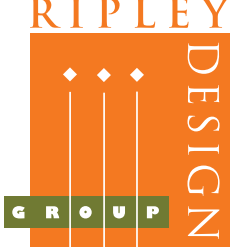
Left Elevation



Front Elevation

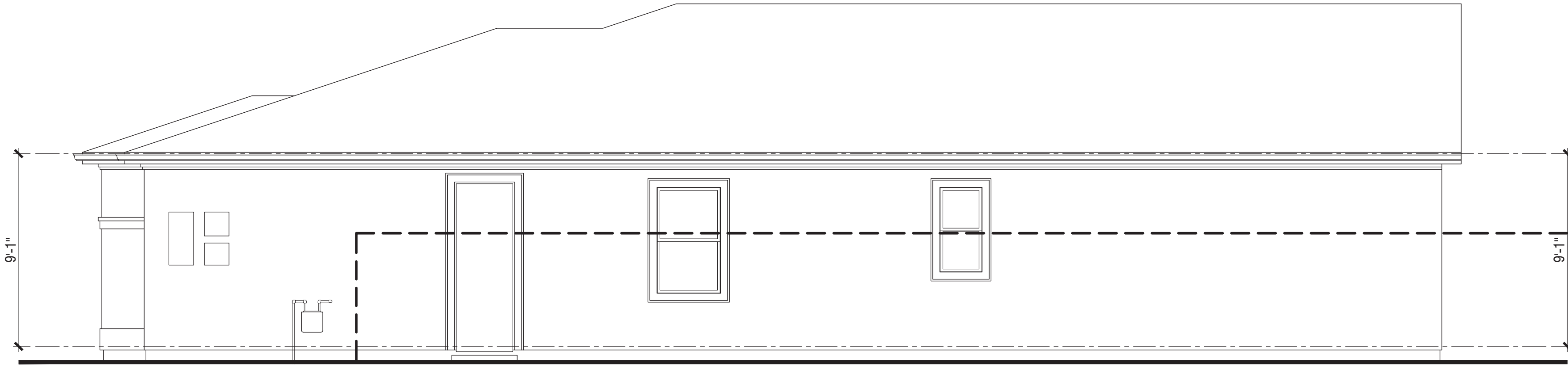
PLAN 1898
Spanish Elevations

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

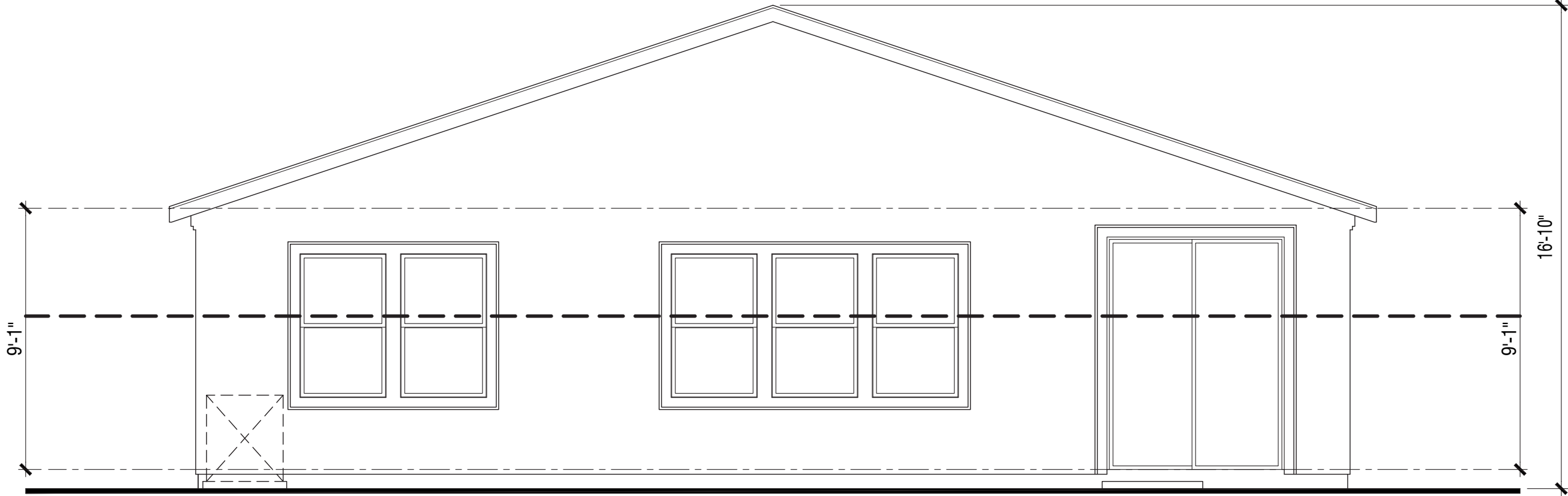


JOB NO. 202013-001
DATE NOV. 2021
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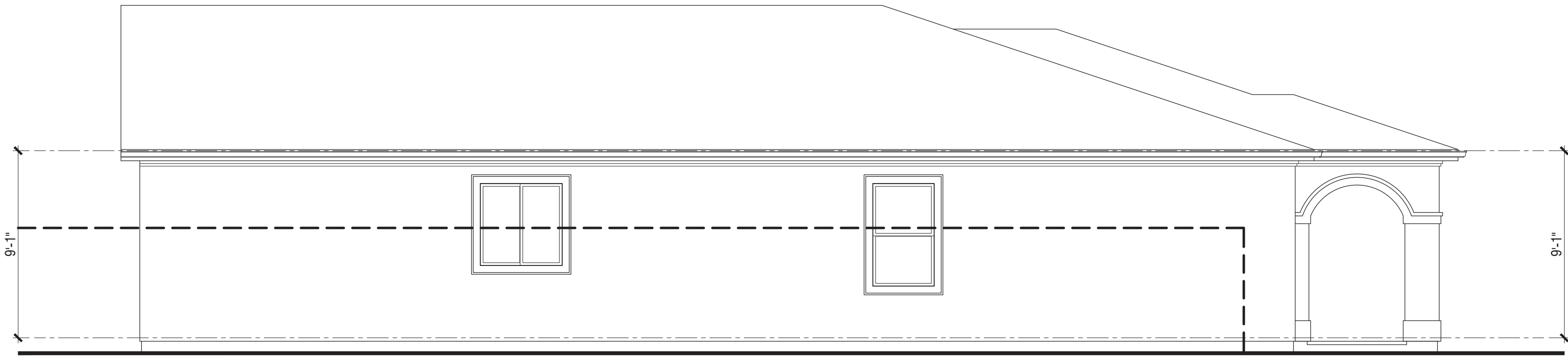
A2.4



Right Elevation



Rear Elevation



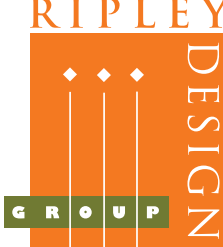
Left Elevation



Front Elevation

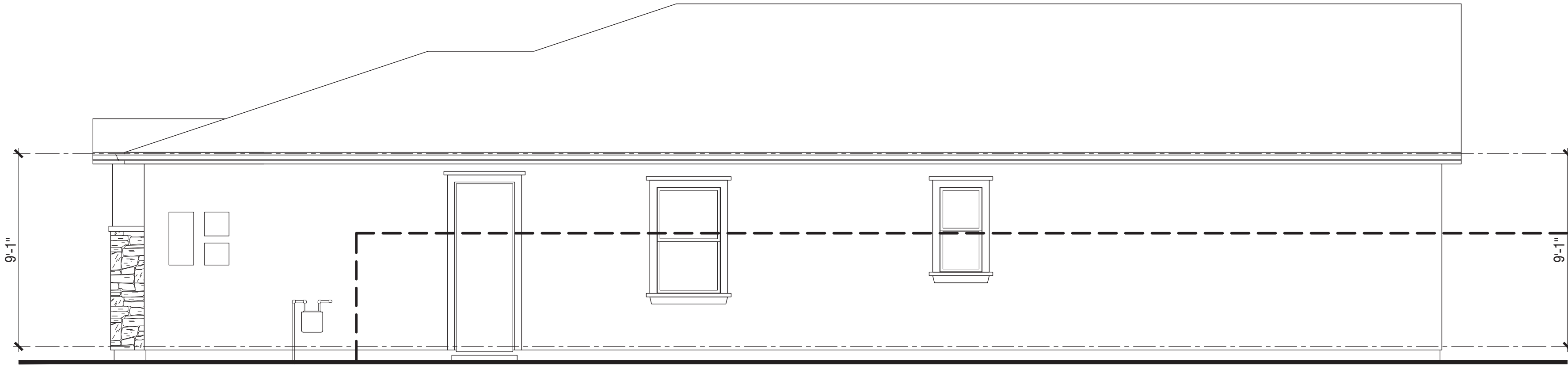
PLAN 1898
Italianate Elevations

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

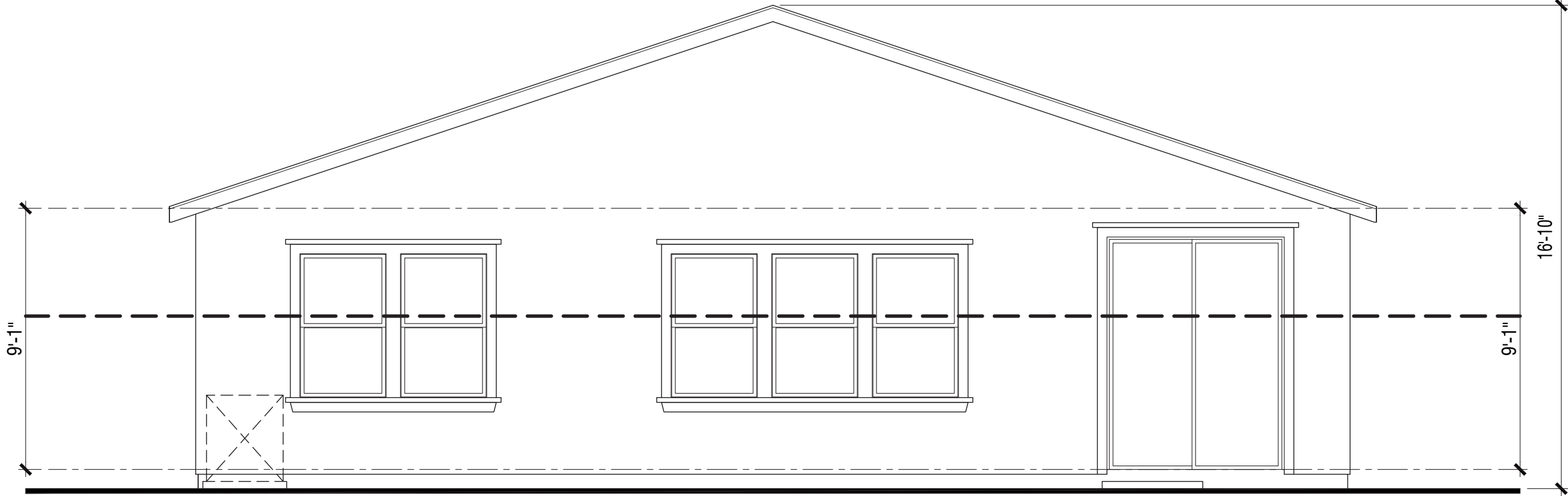


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DATE NOV. 2021
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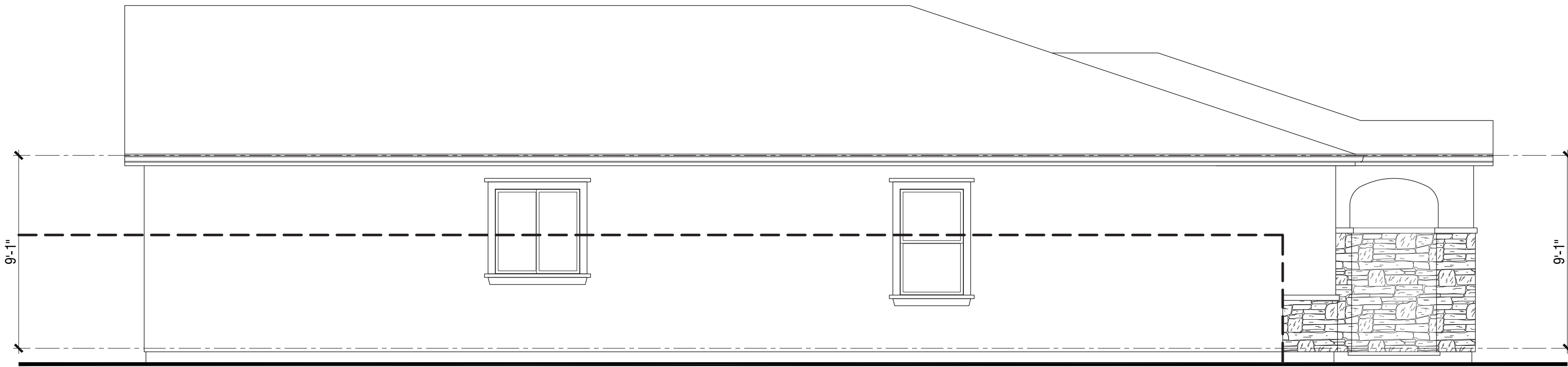
A2.5



Right Elevation



Rear Elevation



Left Elevation



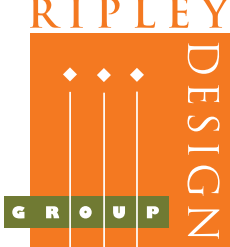
Front Elevation

PLAN 1898

Mediterranean Elevations

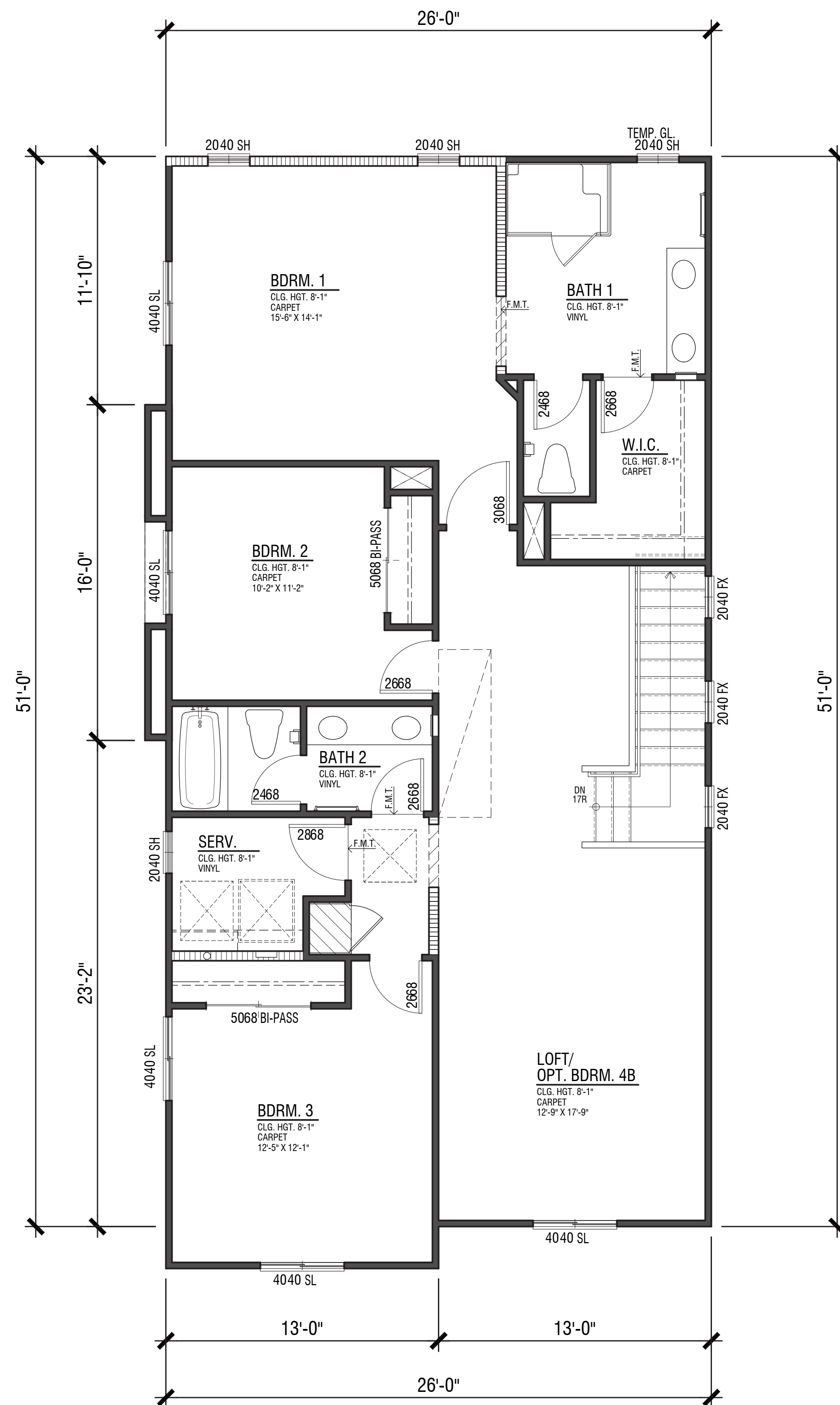
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

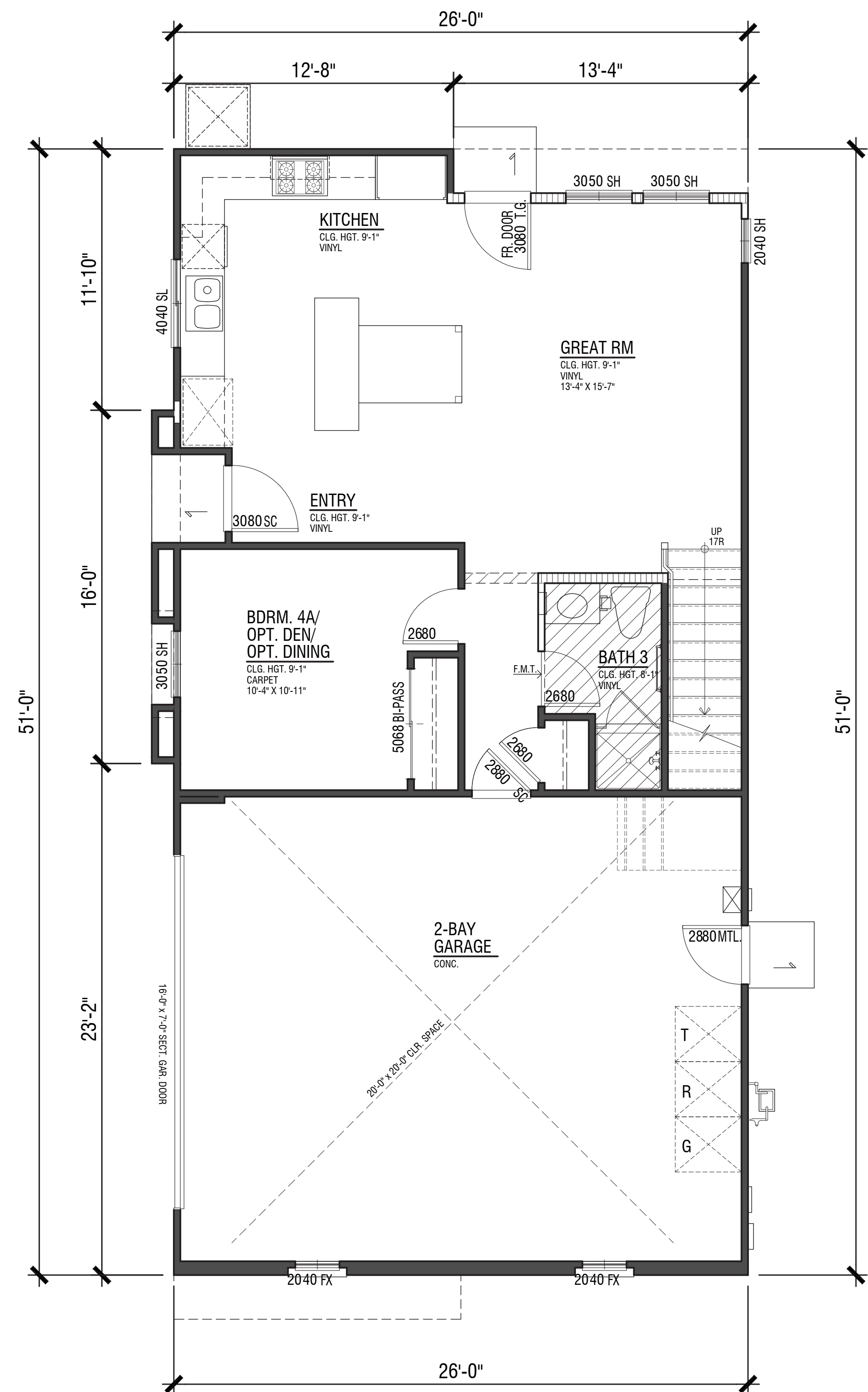
A2.6



Upper Floor 1,316 SF

PLAN 2043

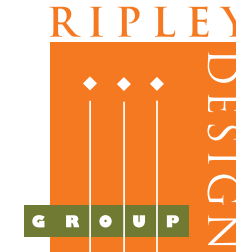
2,043 SF
4 Bdrm | 3 Bath | Loft
2-Car Garage



Lower Floor 727 SF

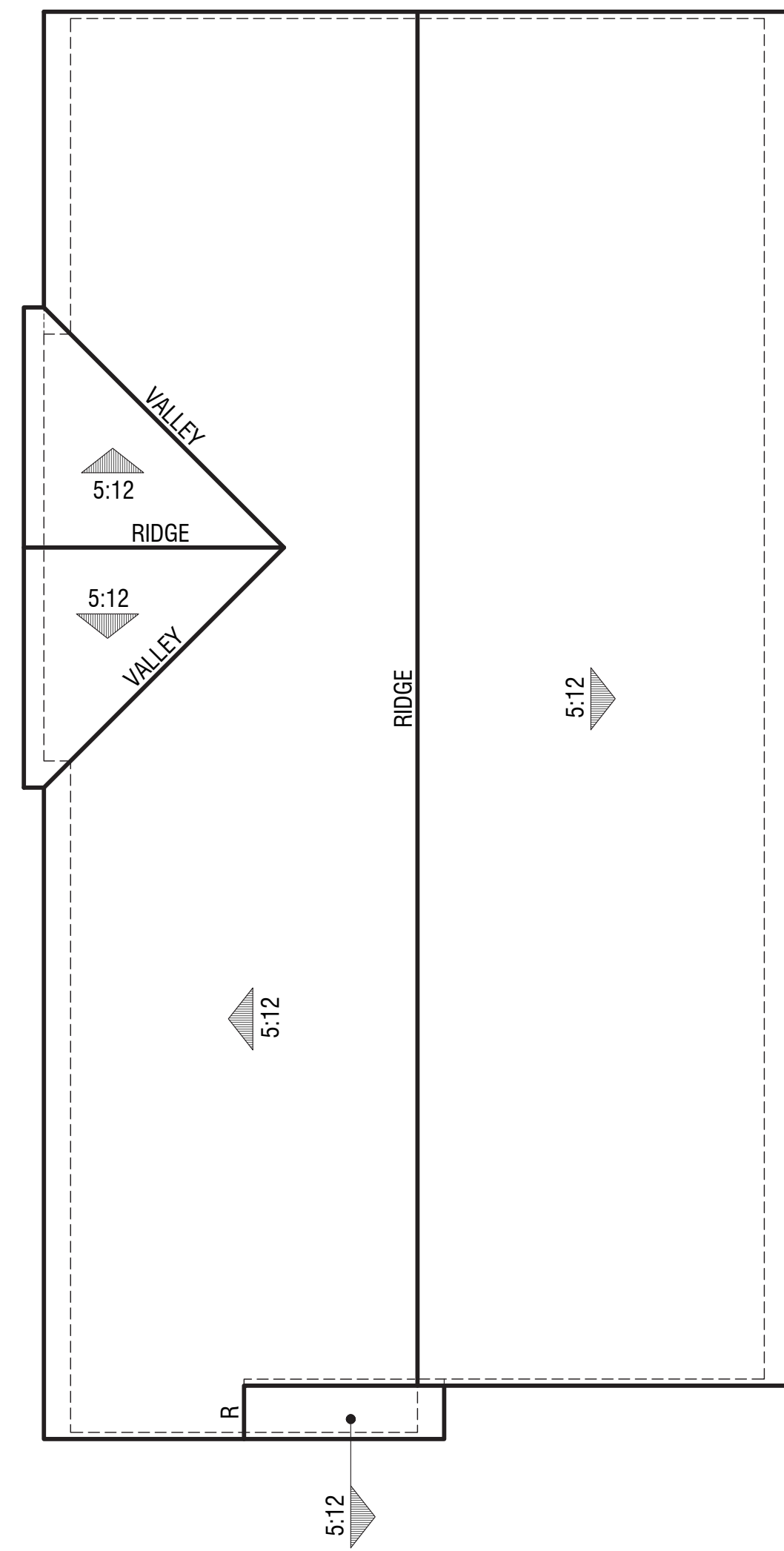
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

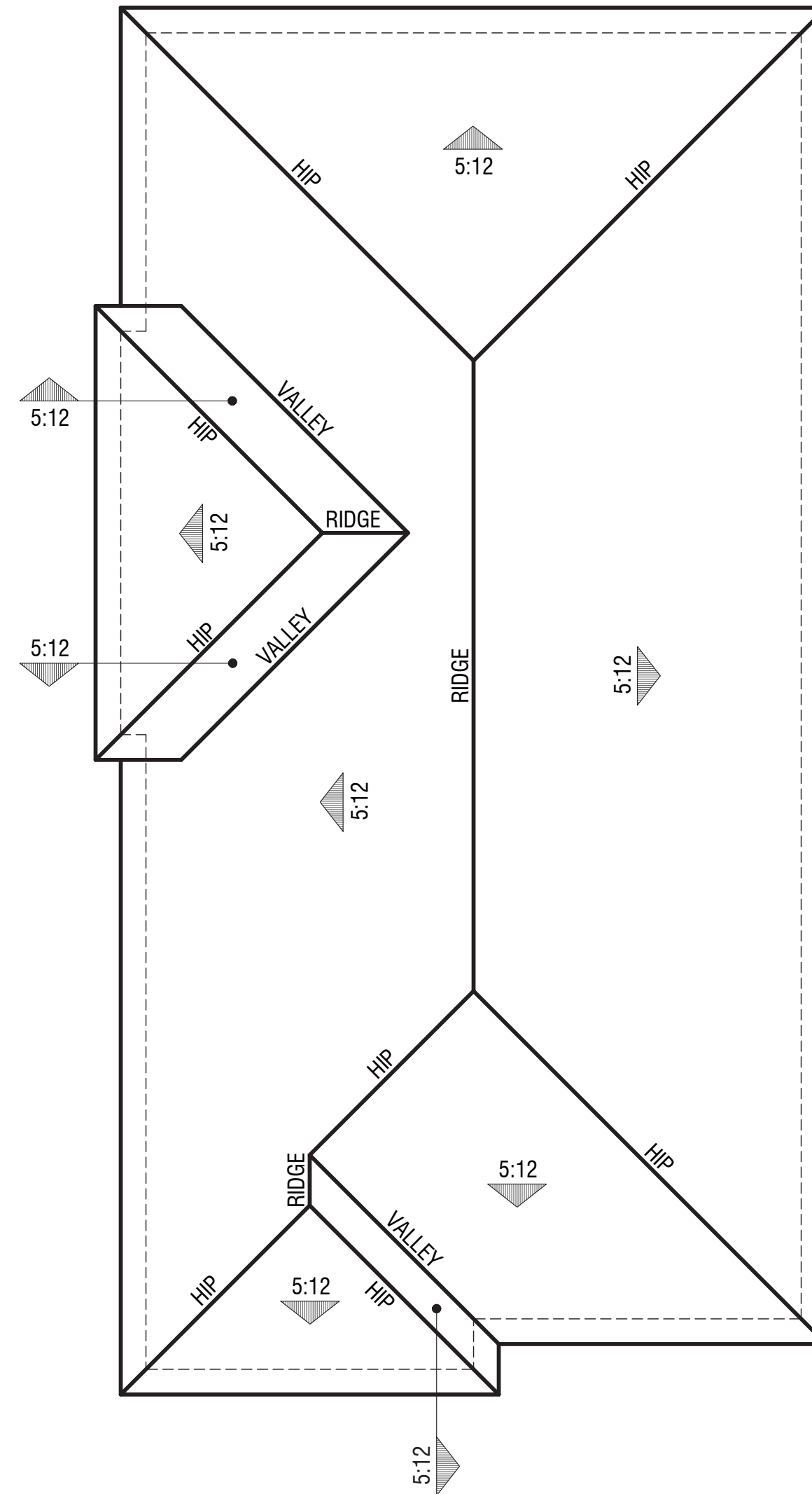


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

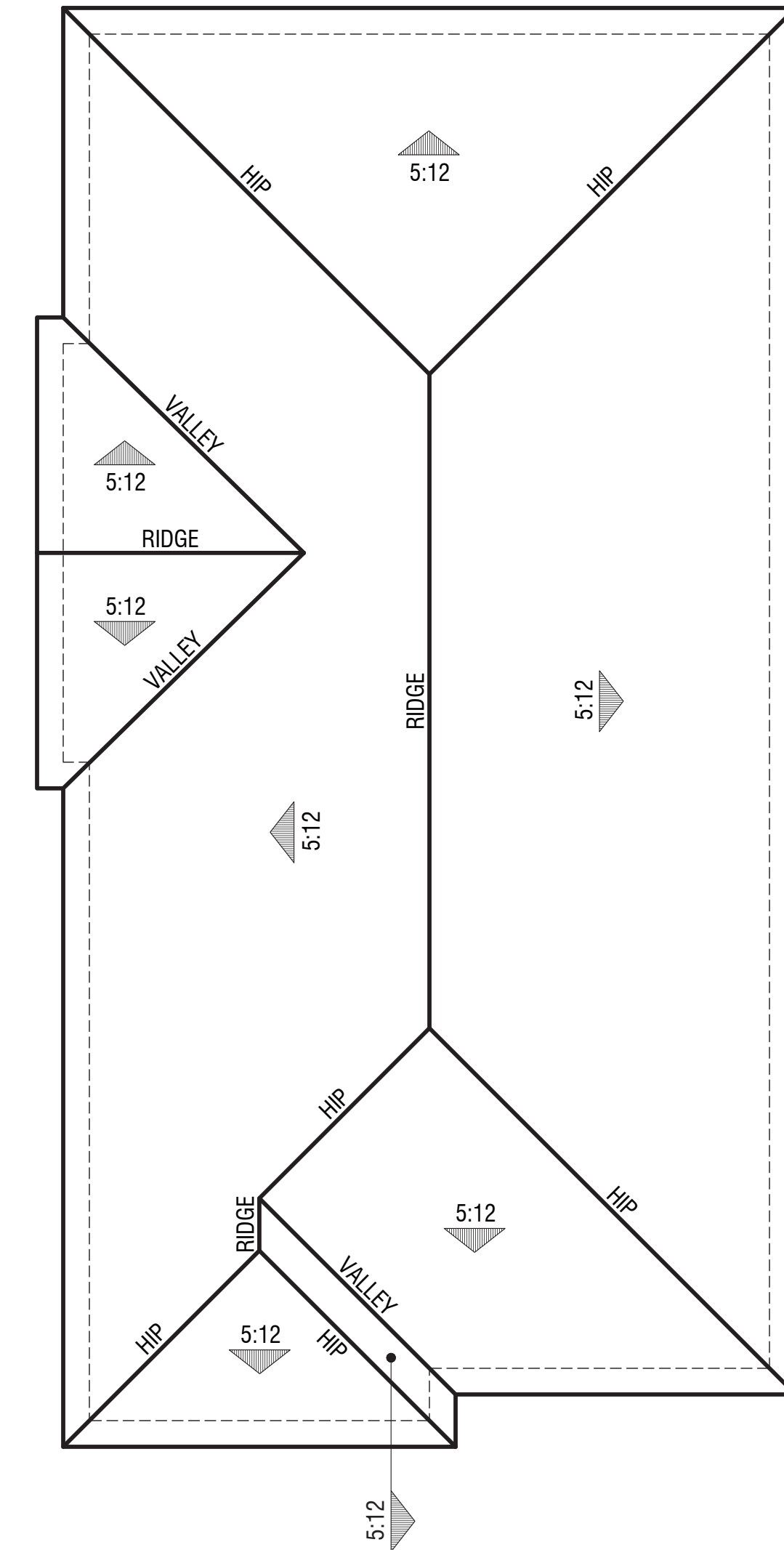
A3.1



Spanish Elevation



Italianate Elevation



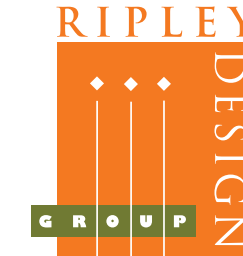
Mediterranean Elevation

PLAN 2043

Roof Plans

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A3.2



Spanish Elevation



Italianate Elevation



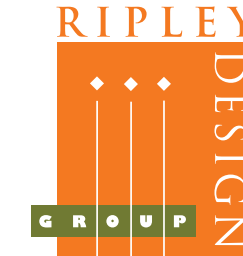
Mediterranean Elevation

PLAN 2043

Front Elevations

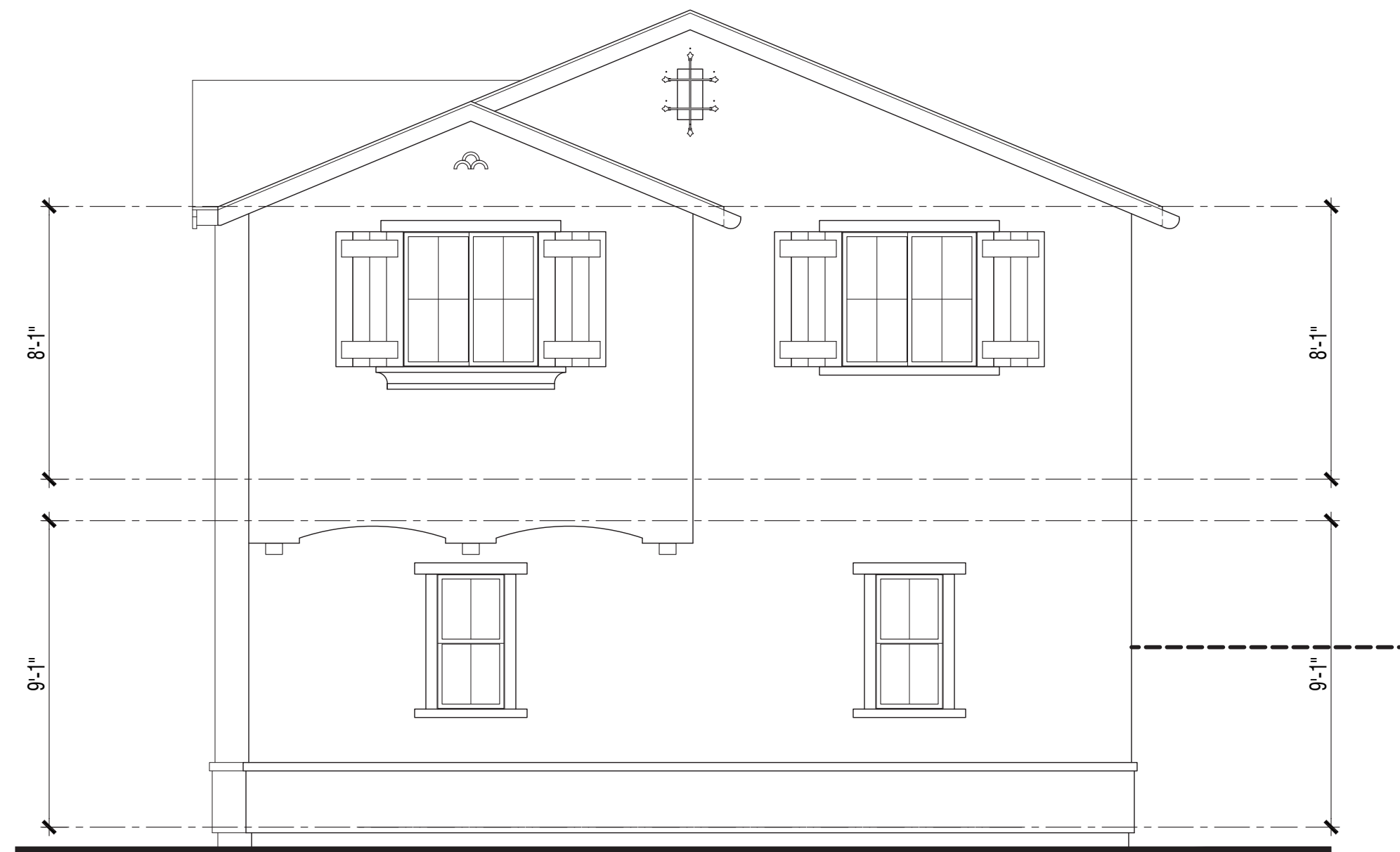
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

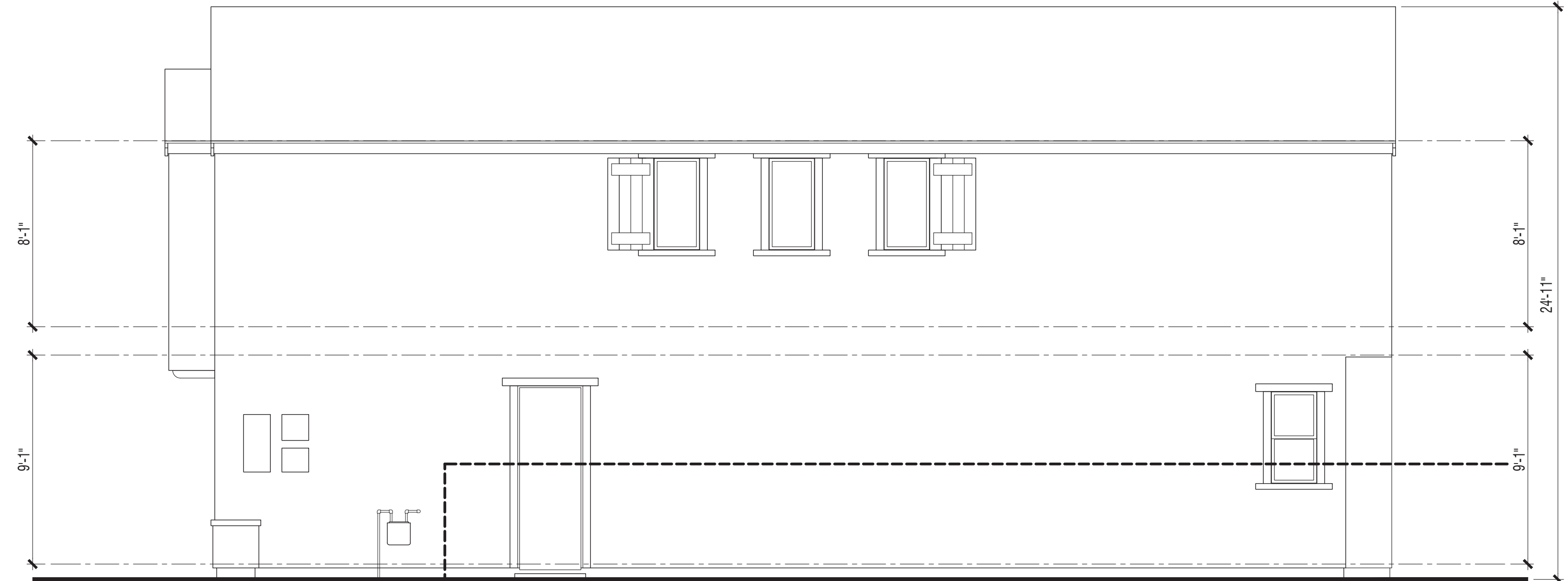


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

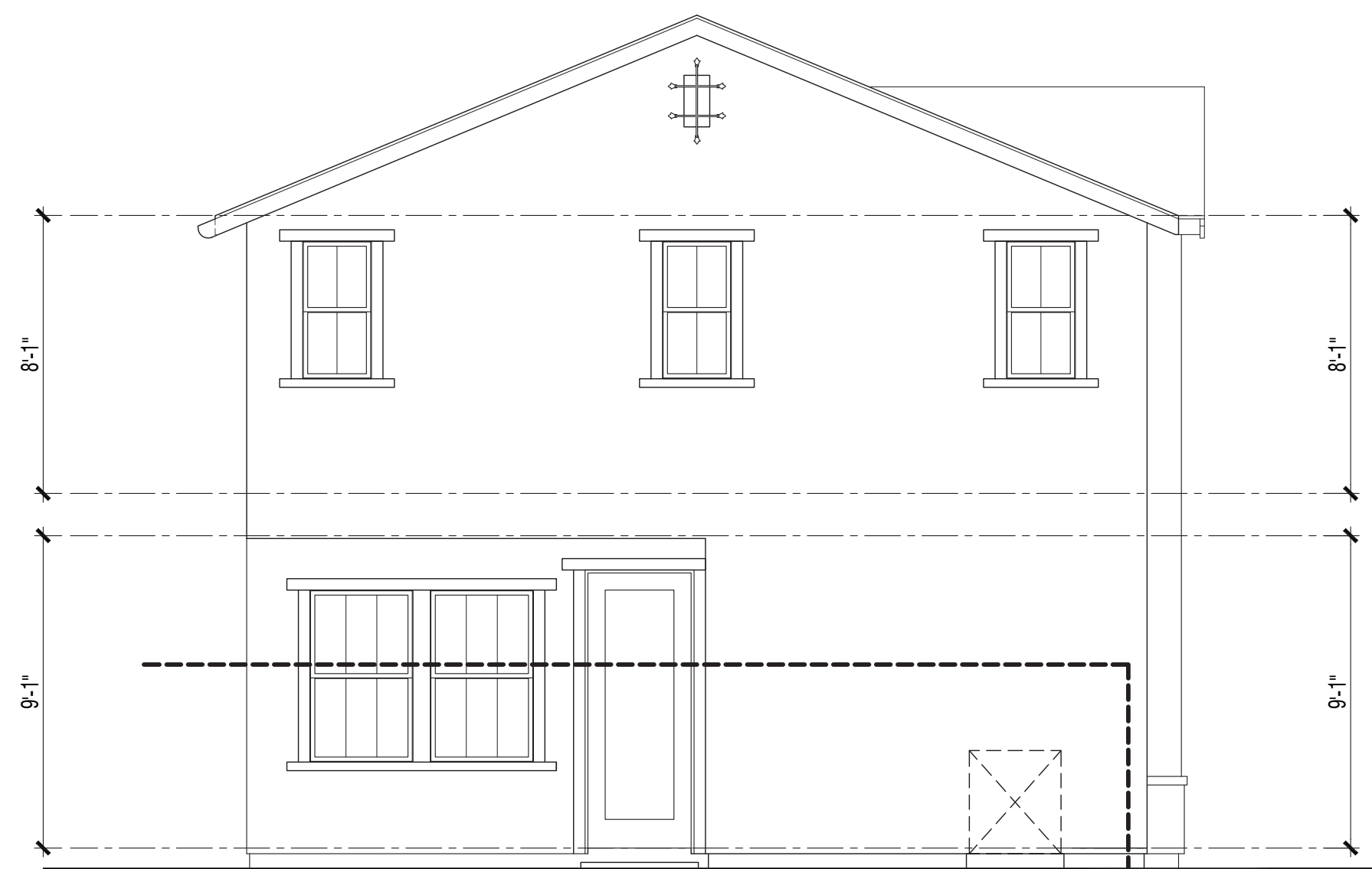
A3.3



Right Elevation



Rear Elevation



Left Elevation



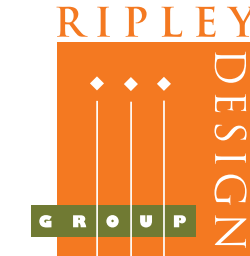
Front Elevation

PLAN 2043

Spanish Elevations

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

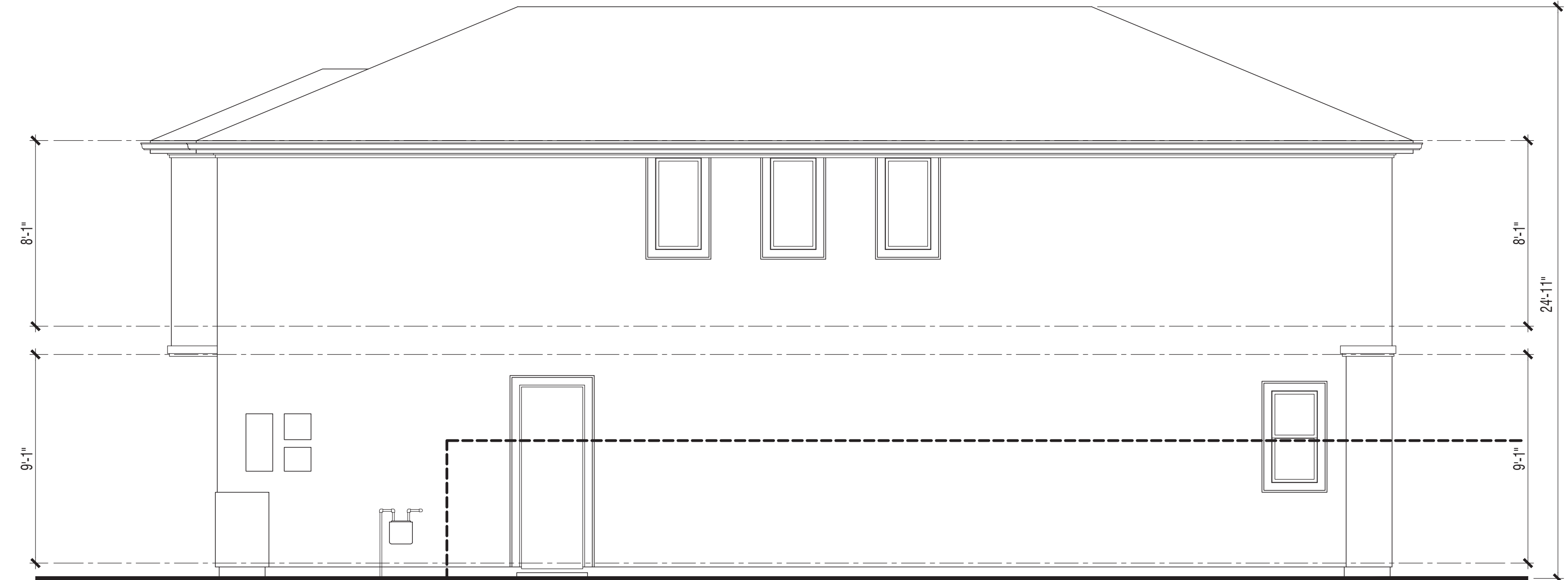


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

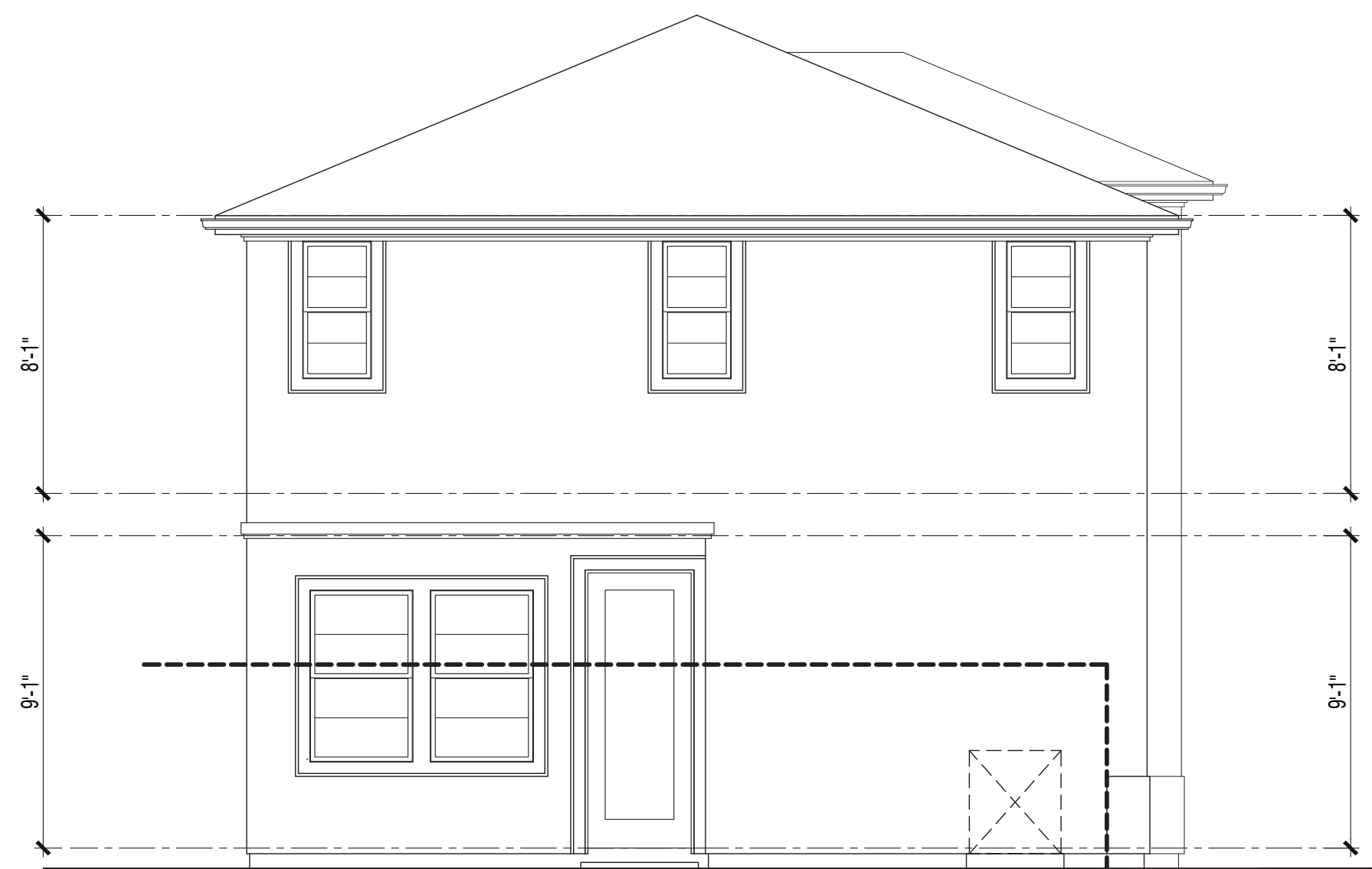
A3.4



Right Elevation



Rear Elevation



Left Elevation



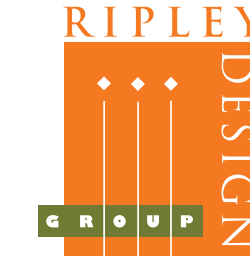
Front Elevation

PLAN 2043

Italianate Elevations

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

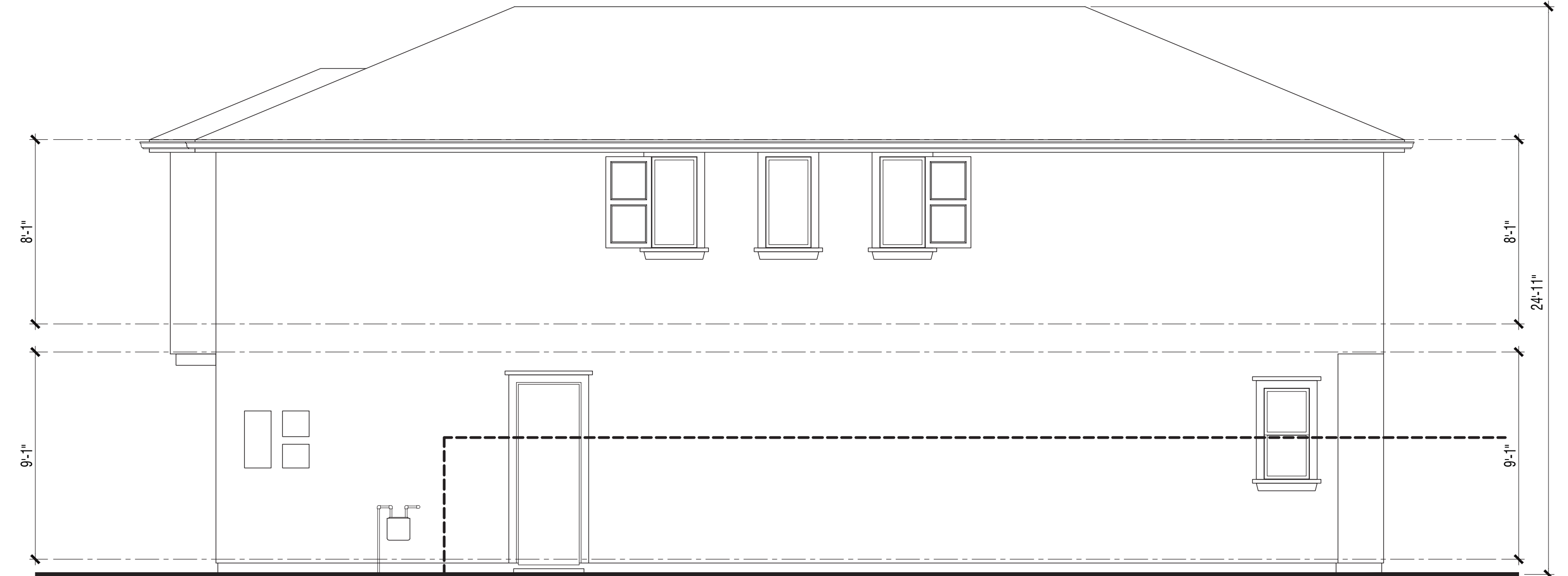


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

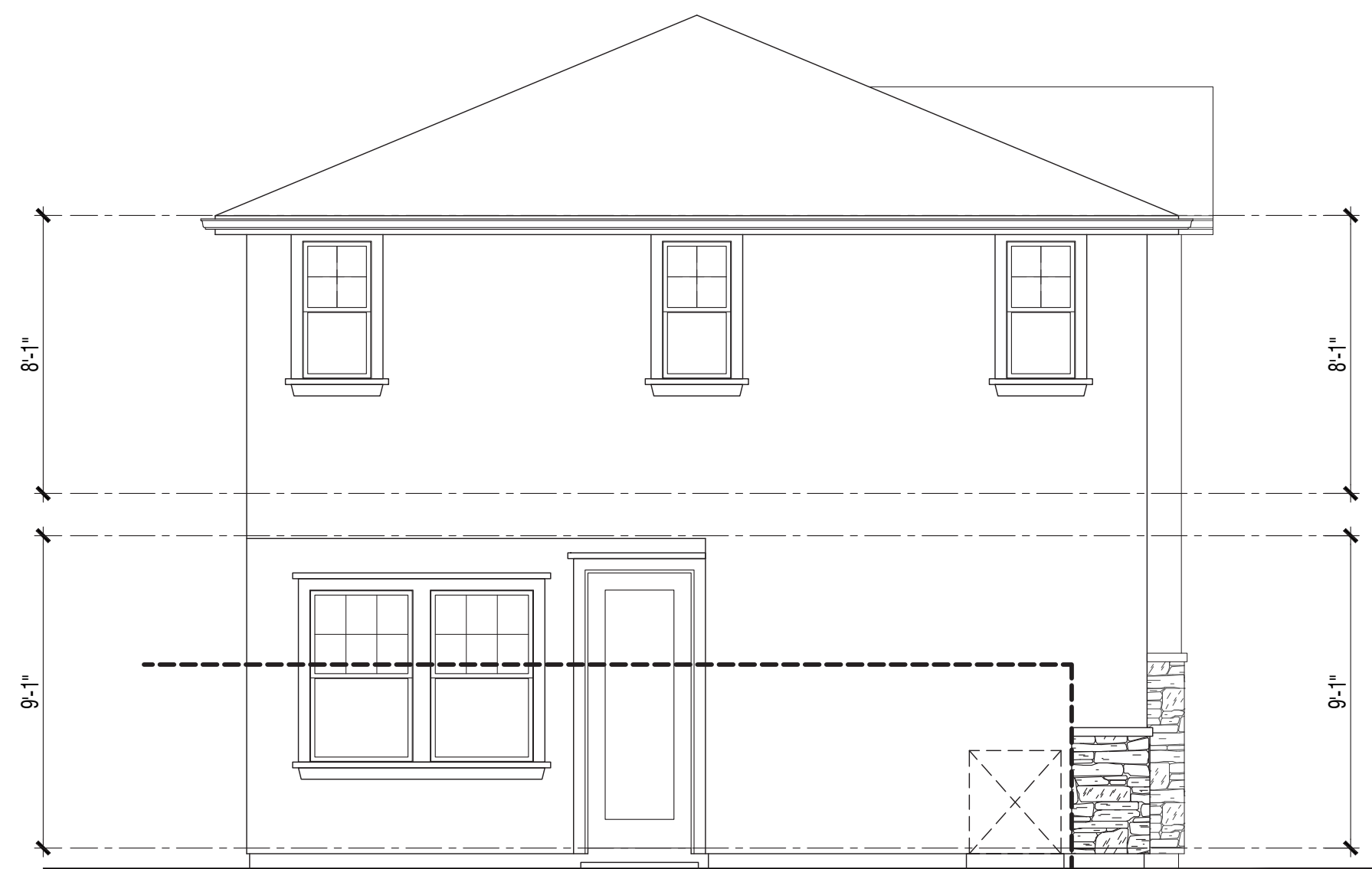
A3.5



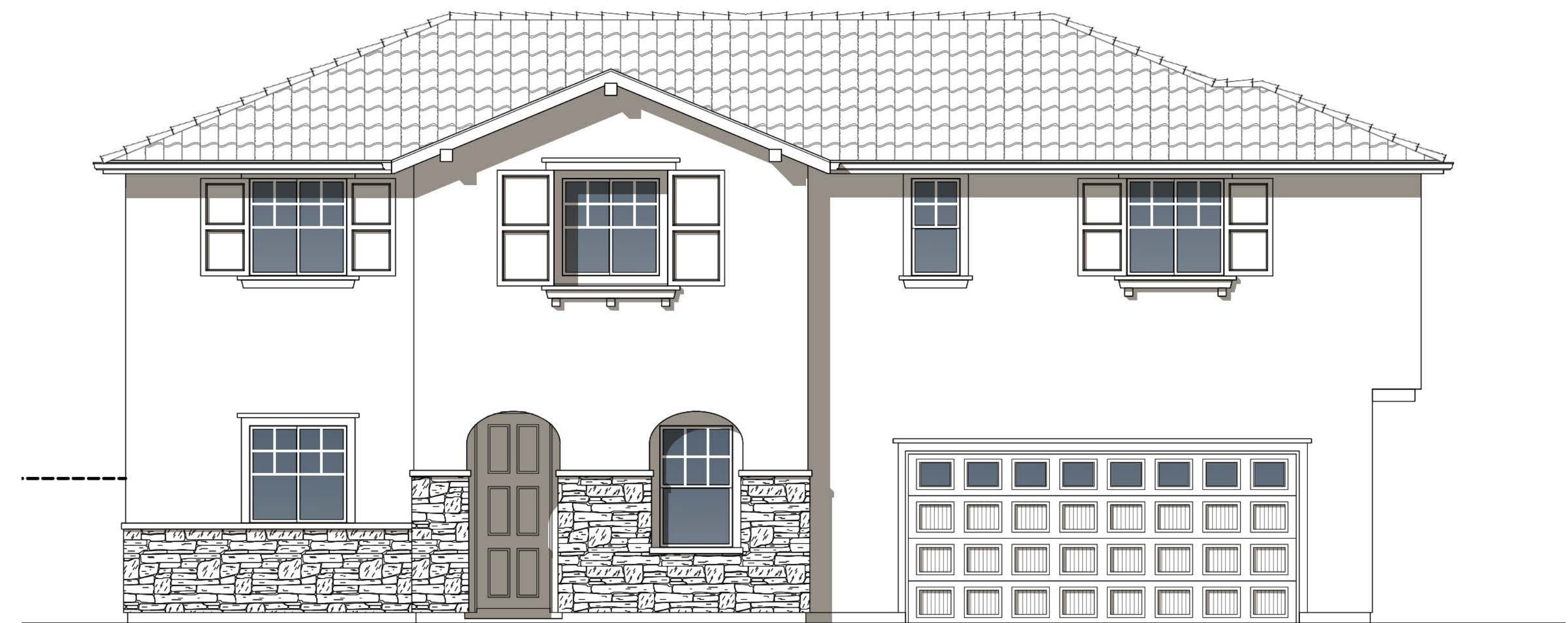
Right Elevation



Rear Elevation



Left Elevation



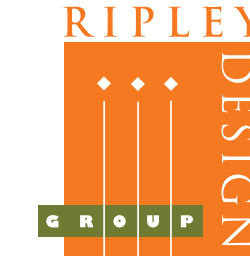
Front Elevation

PLAN 2043

Mediterranean Elevations

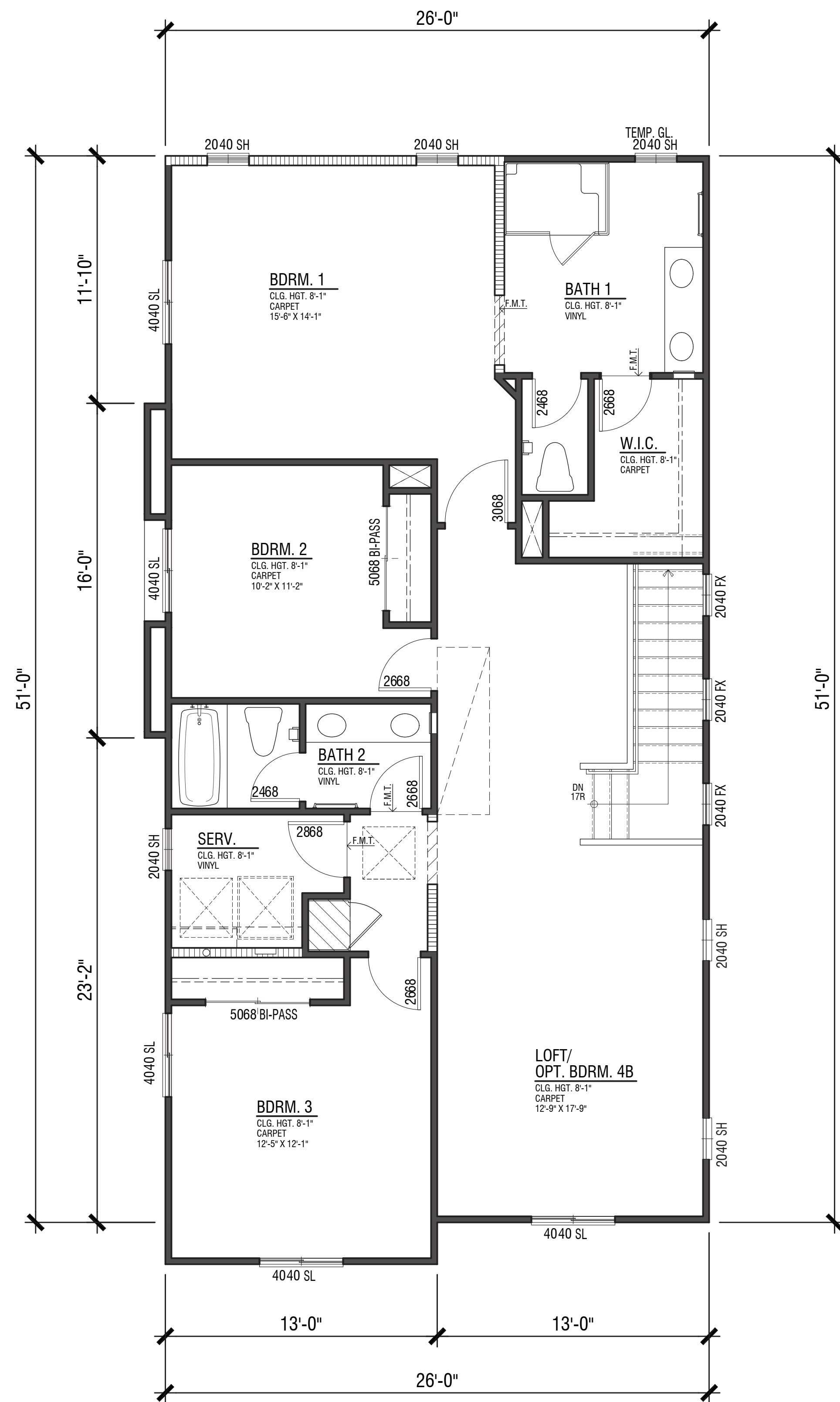
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

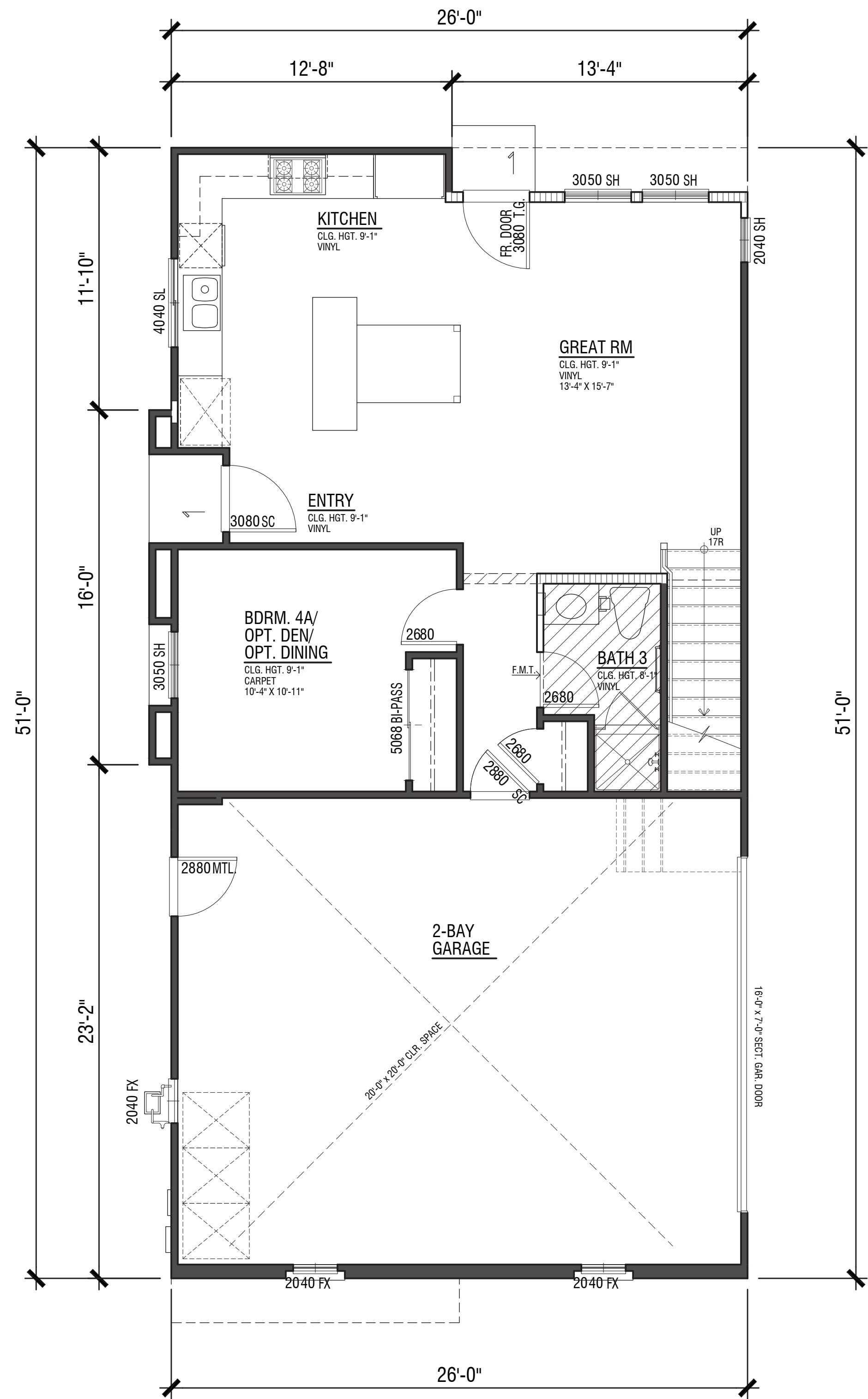


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A3.6



Upper Floor 1,316 SF



Lower Floor 727 SF

Rear Loaded Garage
at Lots 102-105, 123-124
See site plan
PLAN 2043 X
2,043 SF
4 Bdrm | 3 Bath | Loft
2-Car Garage

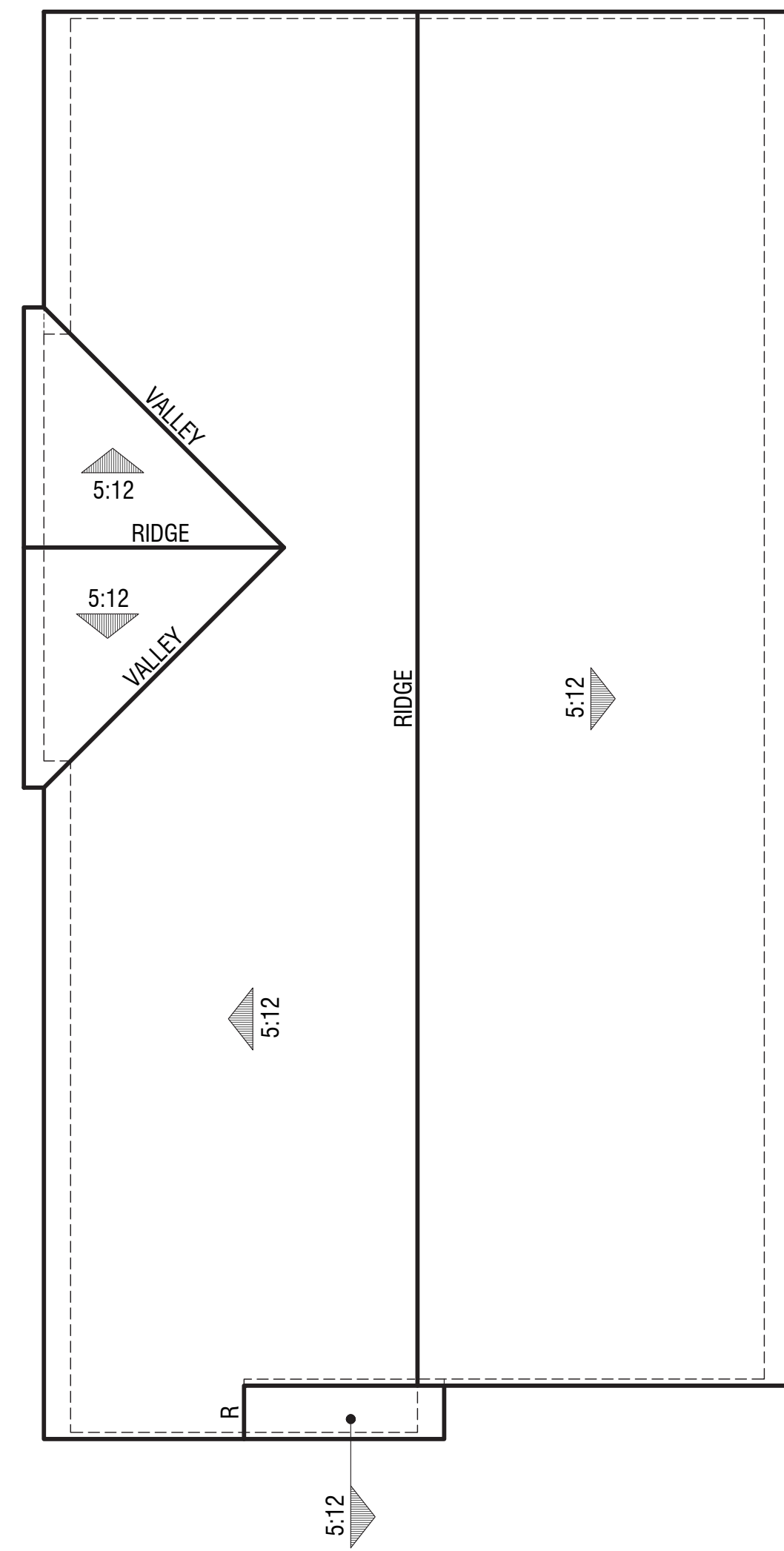
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

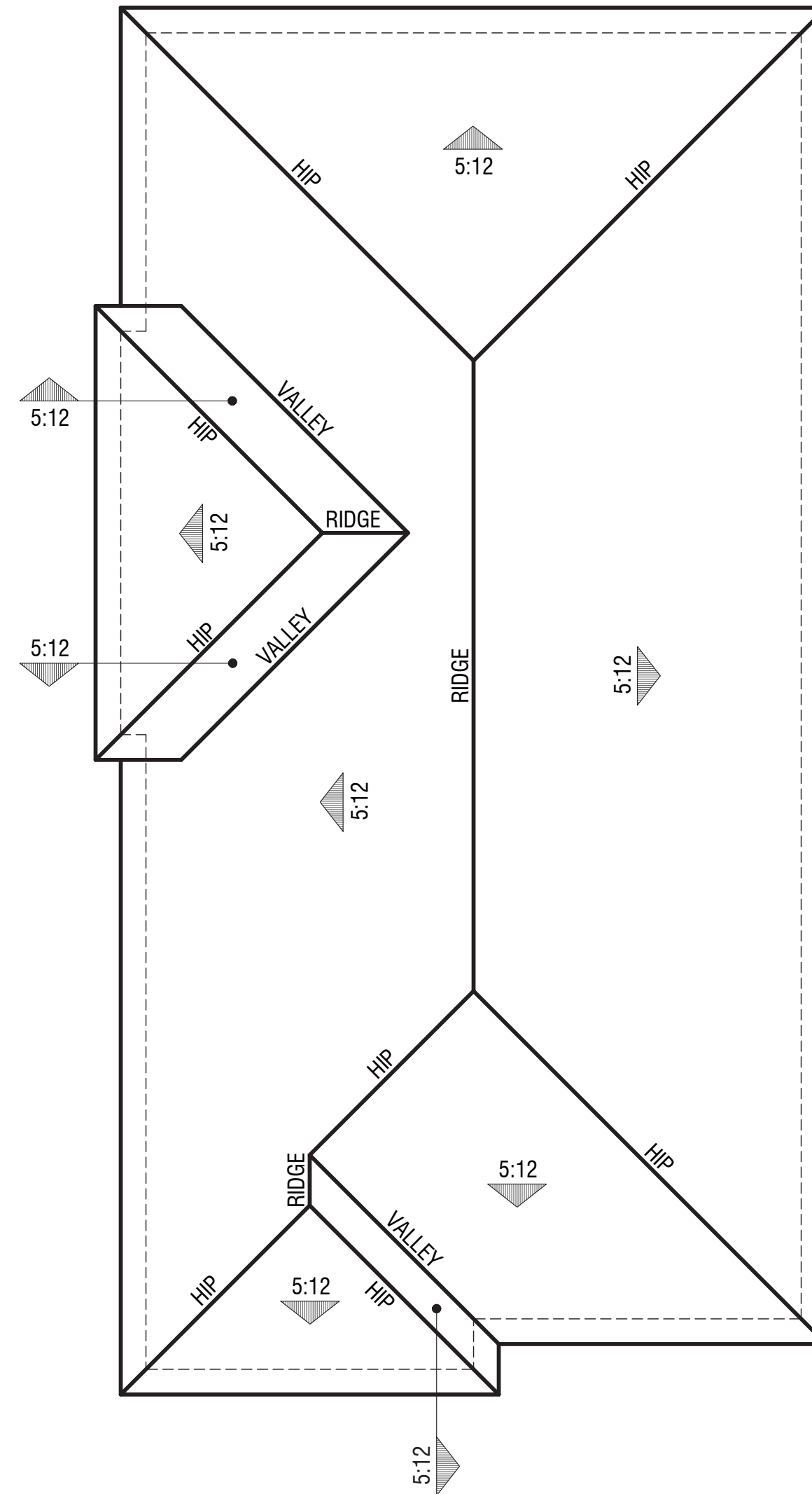


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

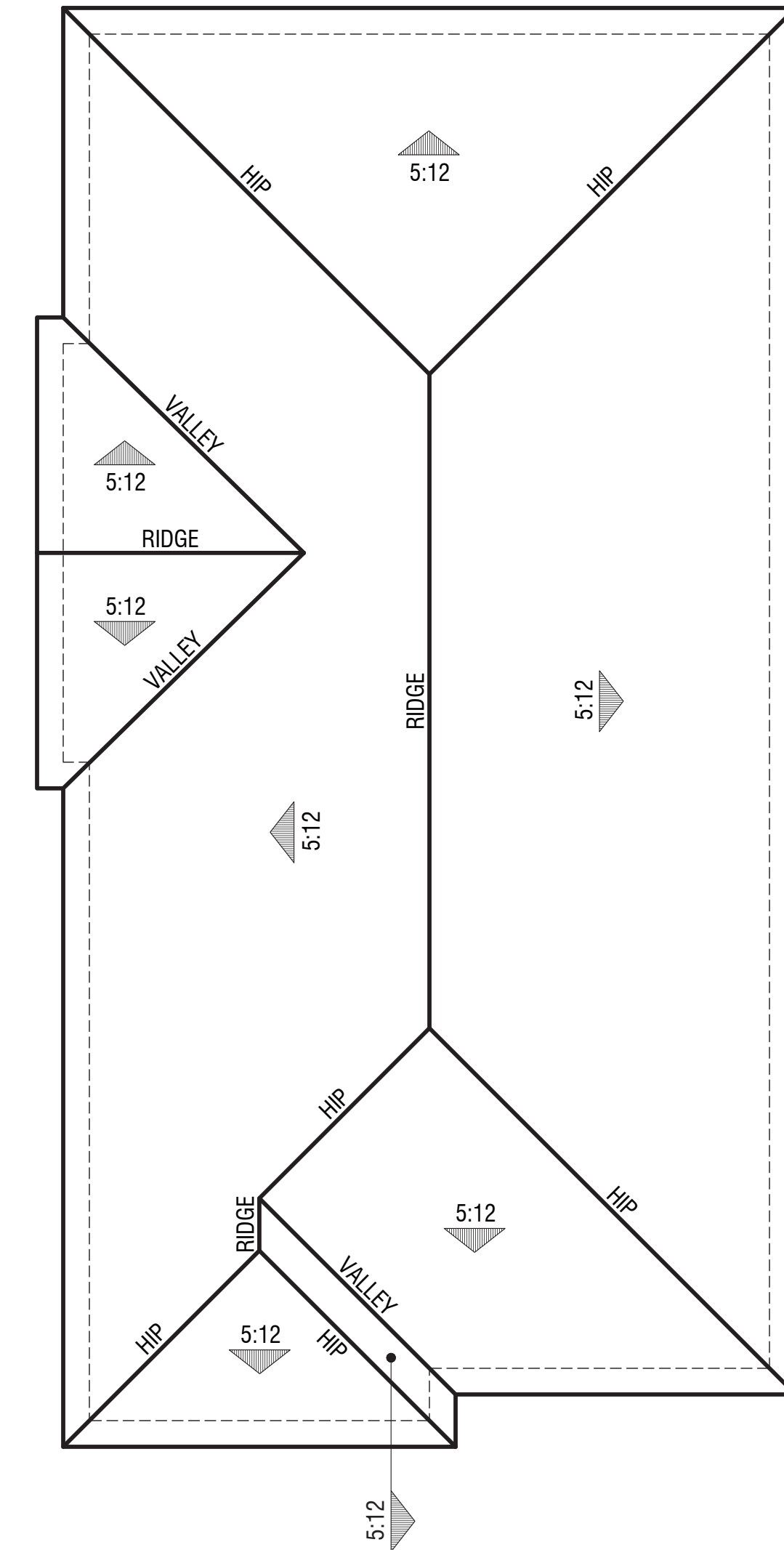
A3.7



Spanish Elevation



Italianate Elevation



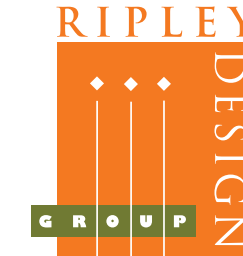
Mediterranean Elevation

PLAN 2043 X

Roof Plans

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A3.8



Spanish Elevation



Italianate Elevation



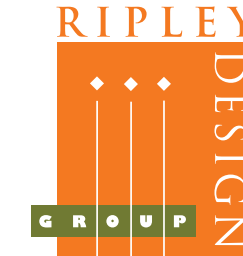
Mediterranean Elevation

PLAN 2043 X

Front Elevations

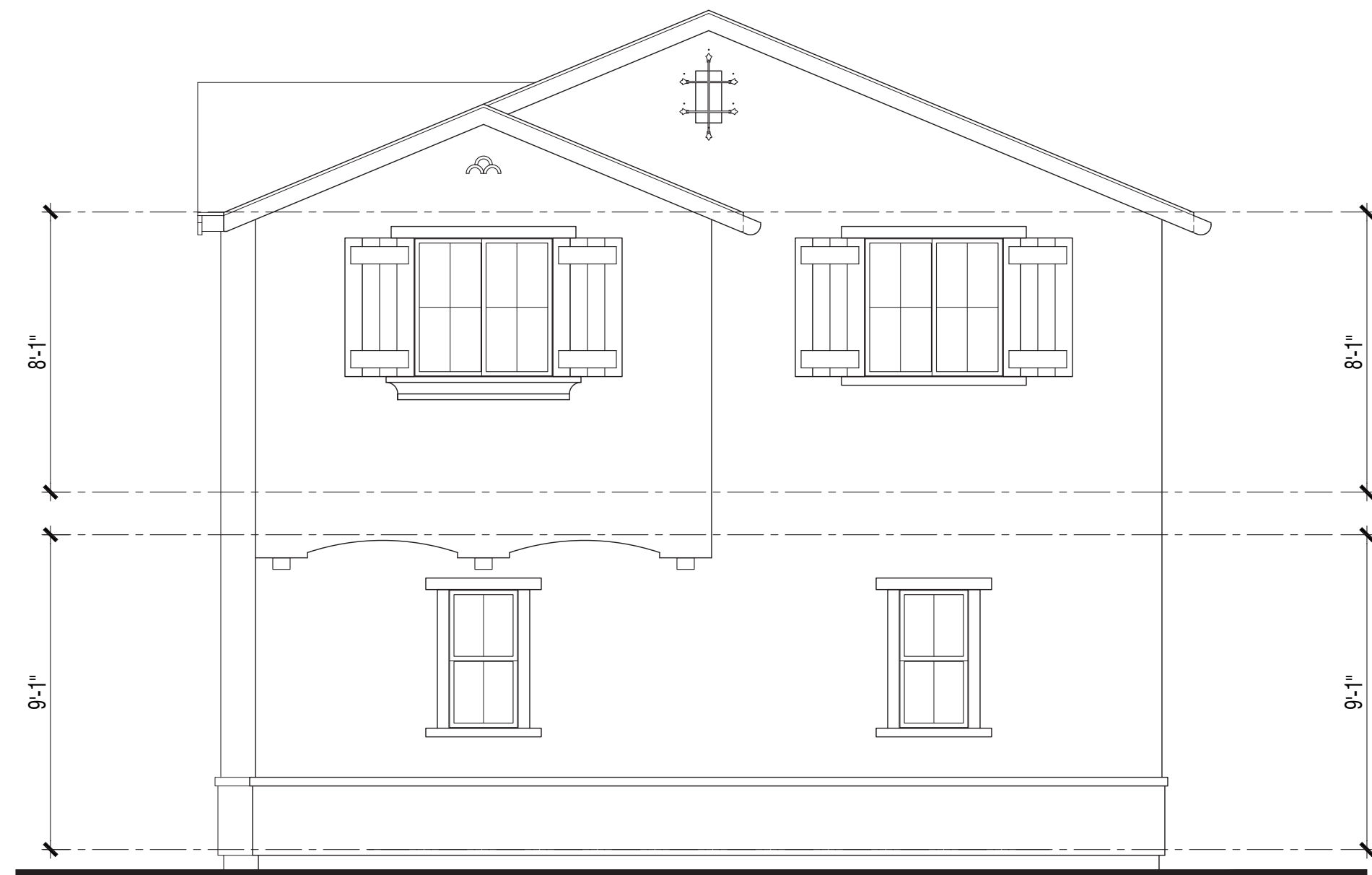
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

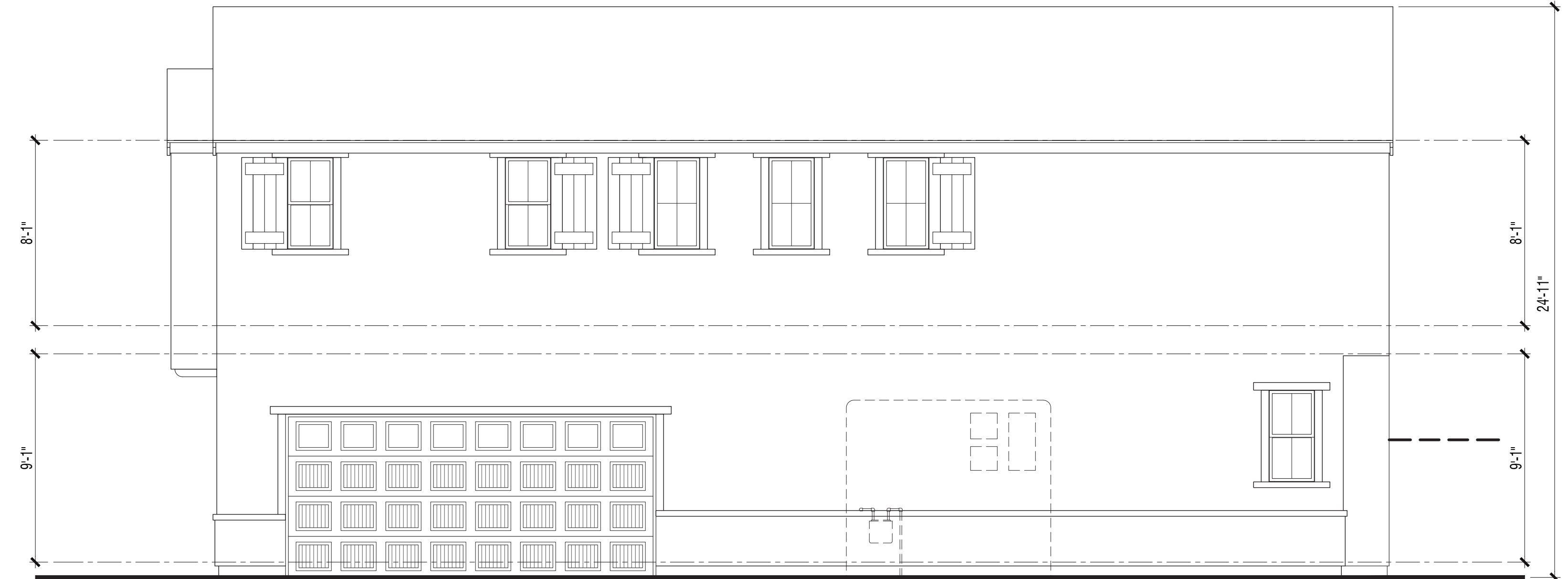


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A3.9

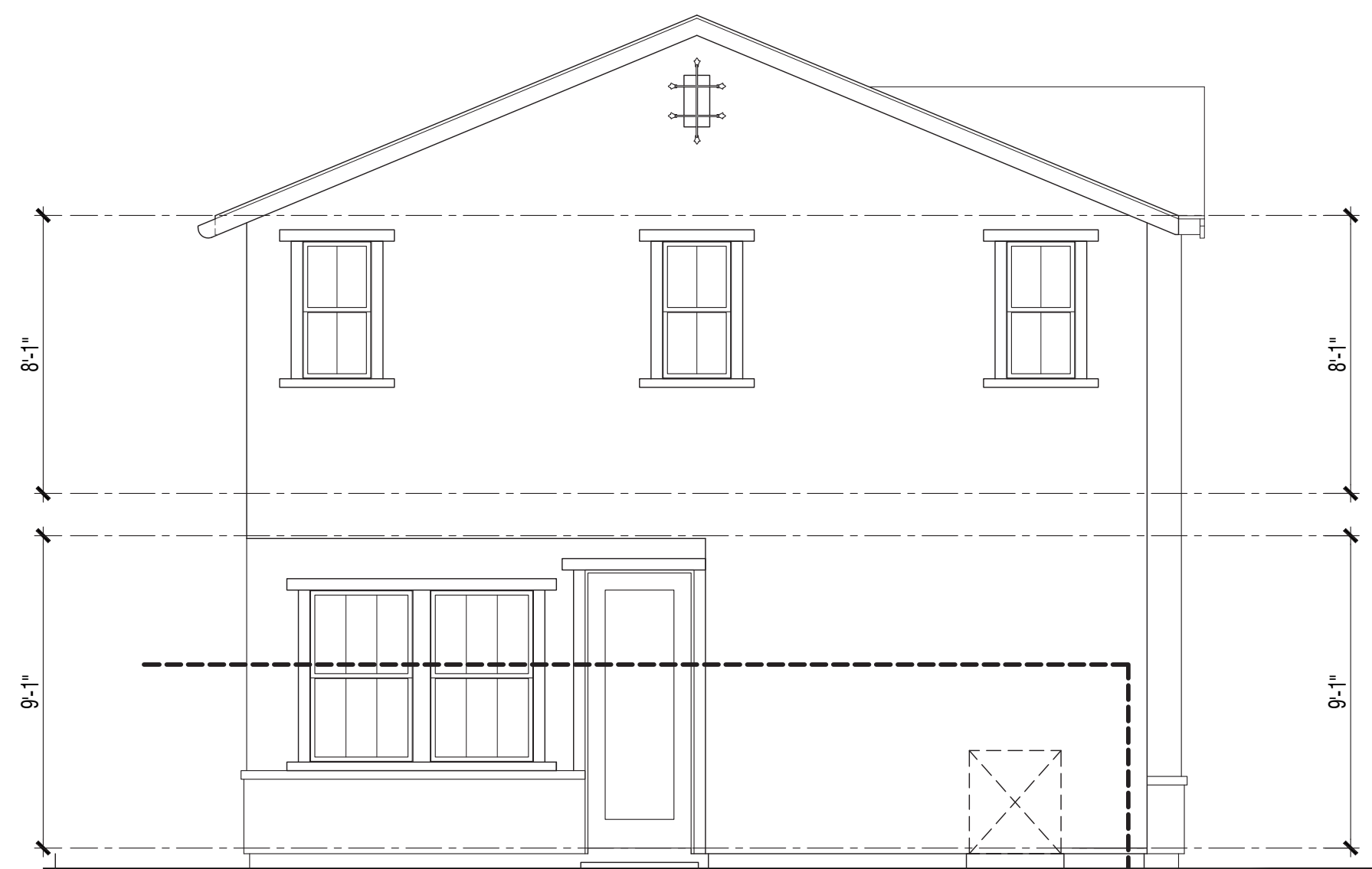


Right Elevation



Utilities here at lots 102, 105, 124

Rear Elevation



Left Elevation



Utilities here at lots 103, 104, 123

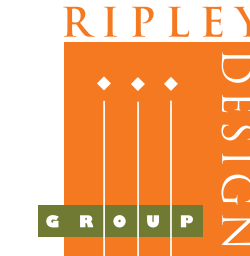
Front Elevation

PLAN 2043 X

Spanish Elevations

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

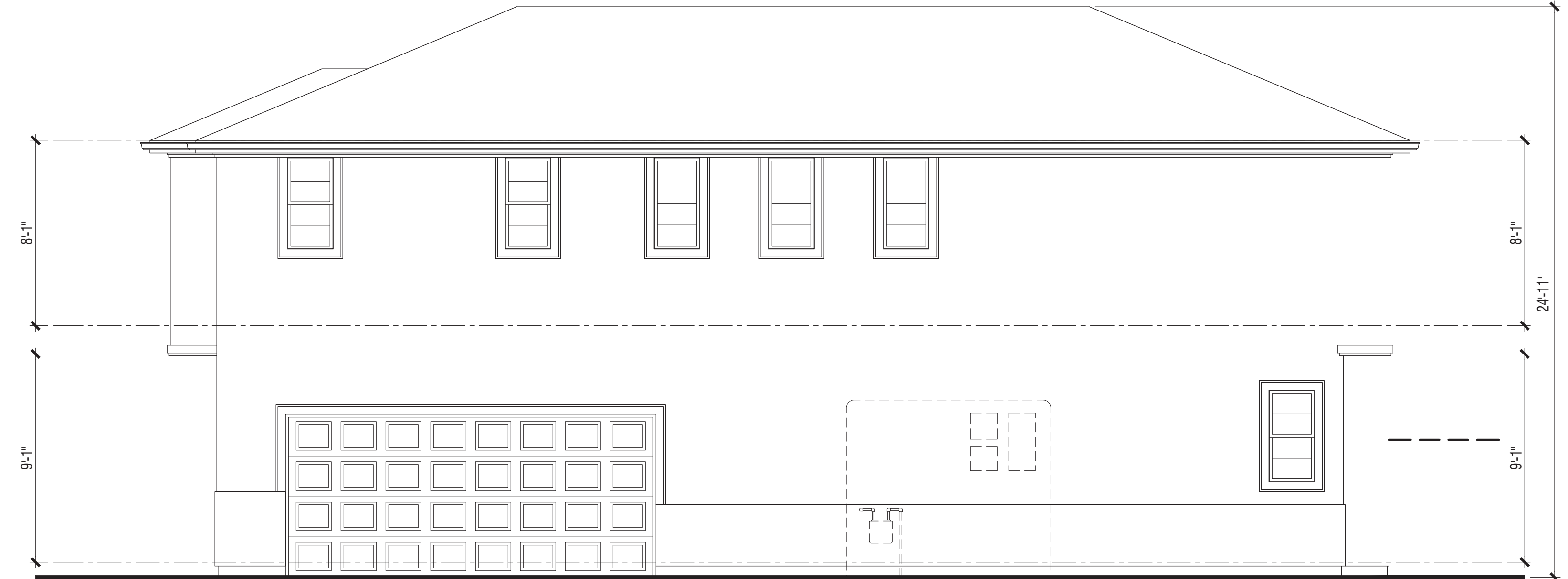


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A3.10



Right Elevation



Rear Elevation



Left Elevation



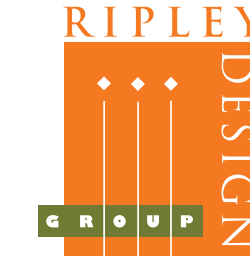
Front Elevation

PLAN 2043 X

Italianate Elevations

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

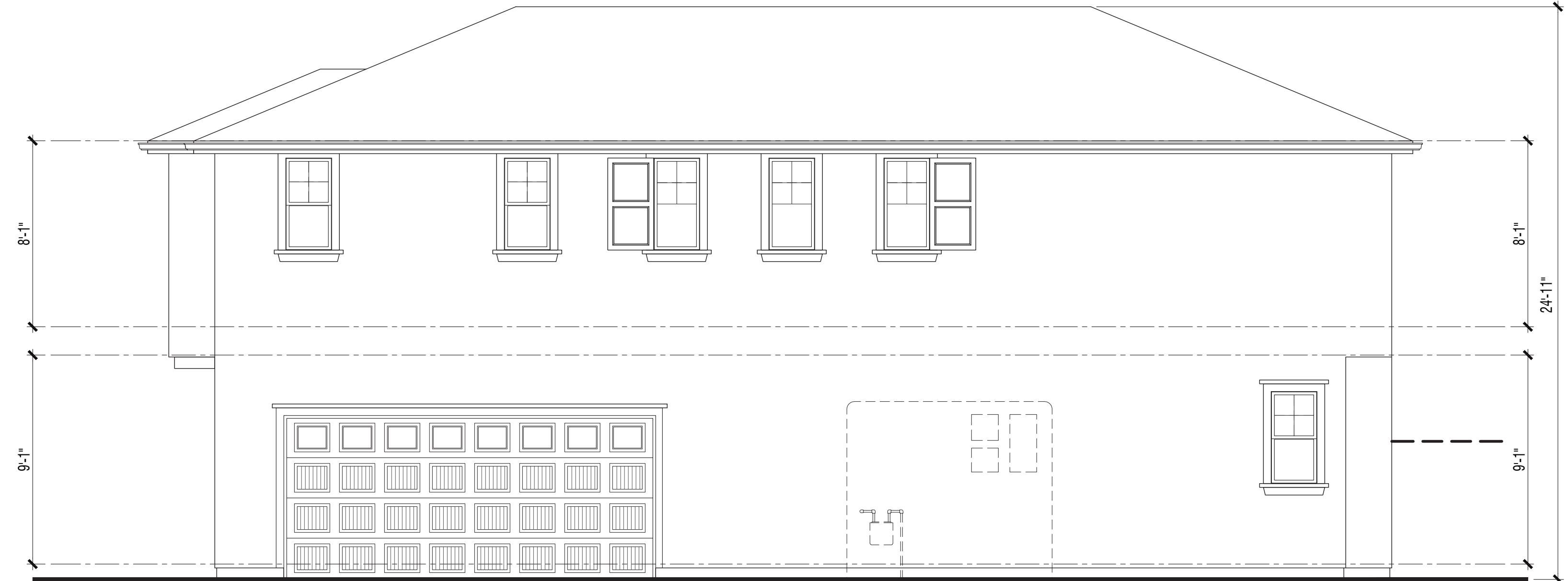


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

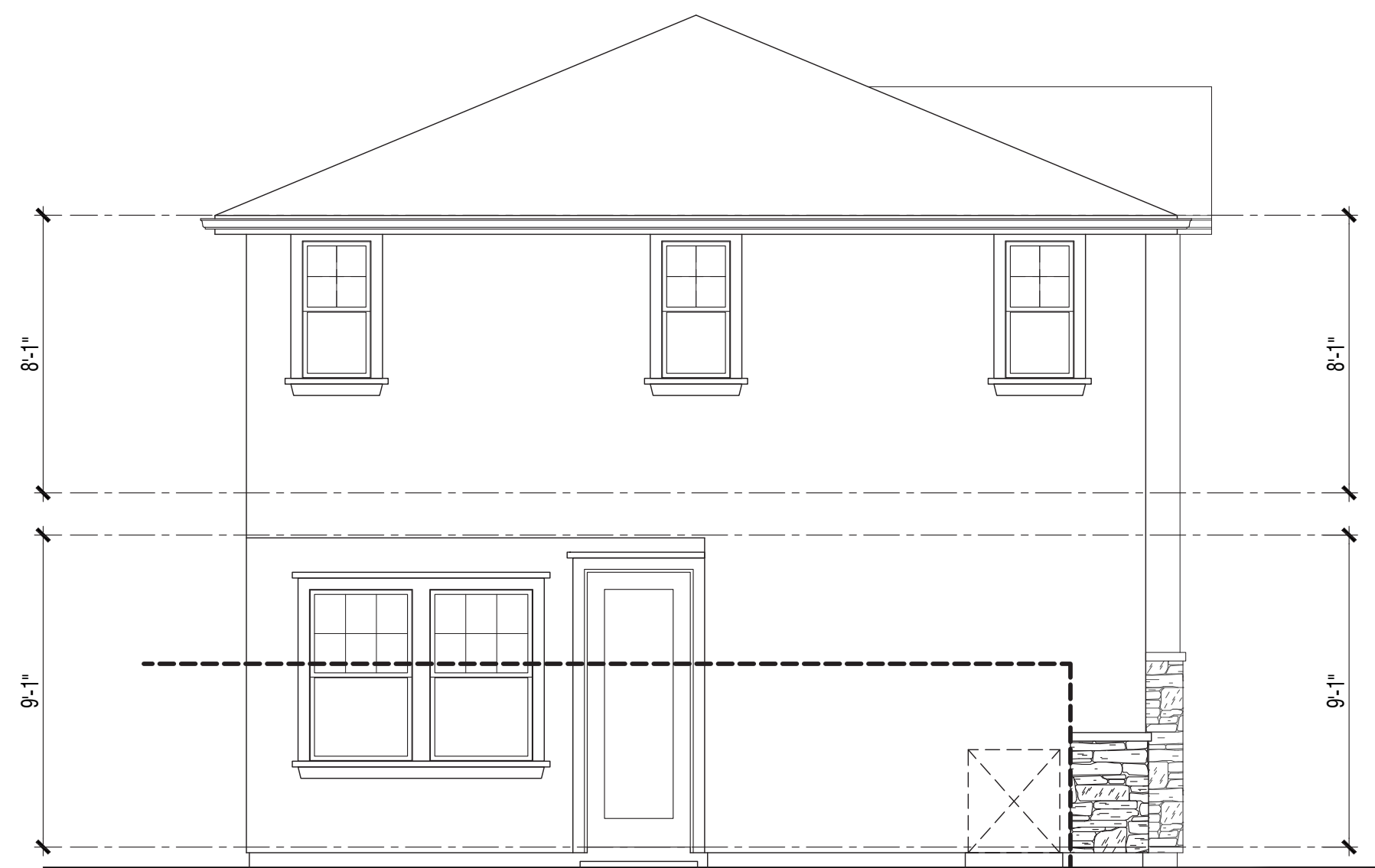
A3.11



Right Elevation



Rear Elevation



Left Elevation



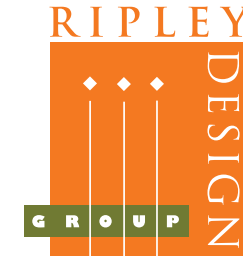
Front Elevation

PLAN 2043 X

Mediterranean Elevations

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

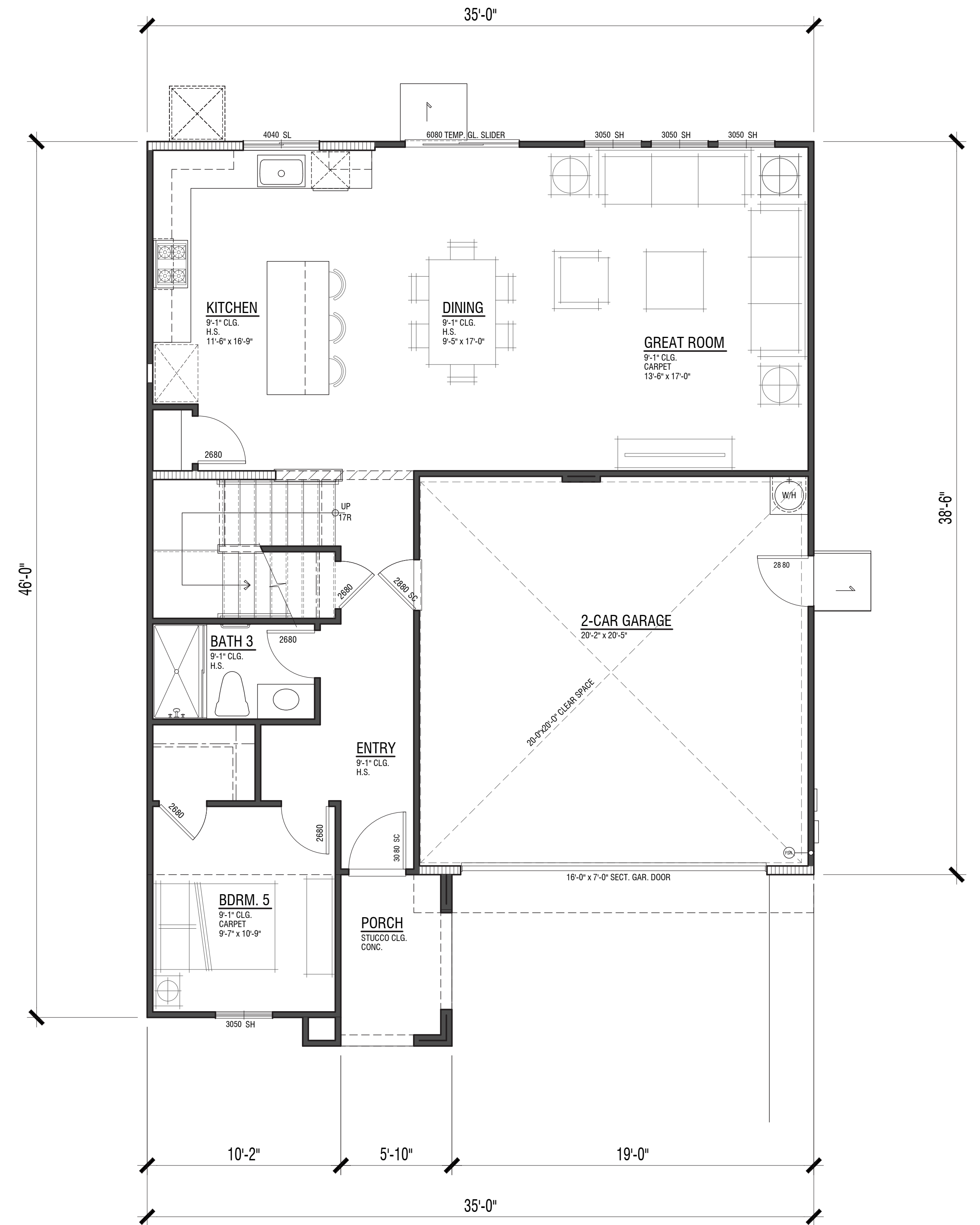
A3.12



Upper Floor 1,320 SF

PLAN 2311

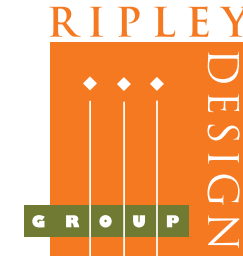
2,311 SF
5 Bdrm | 3 Bath | Loft
2-Car Garage



Lower Floor 991 SF

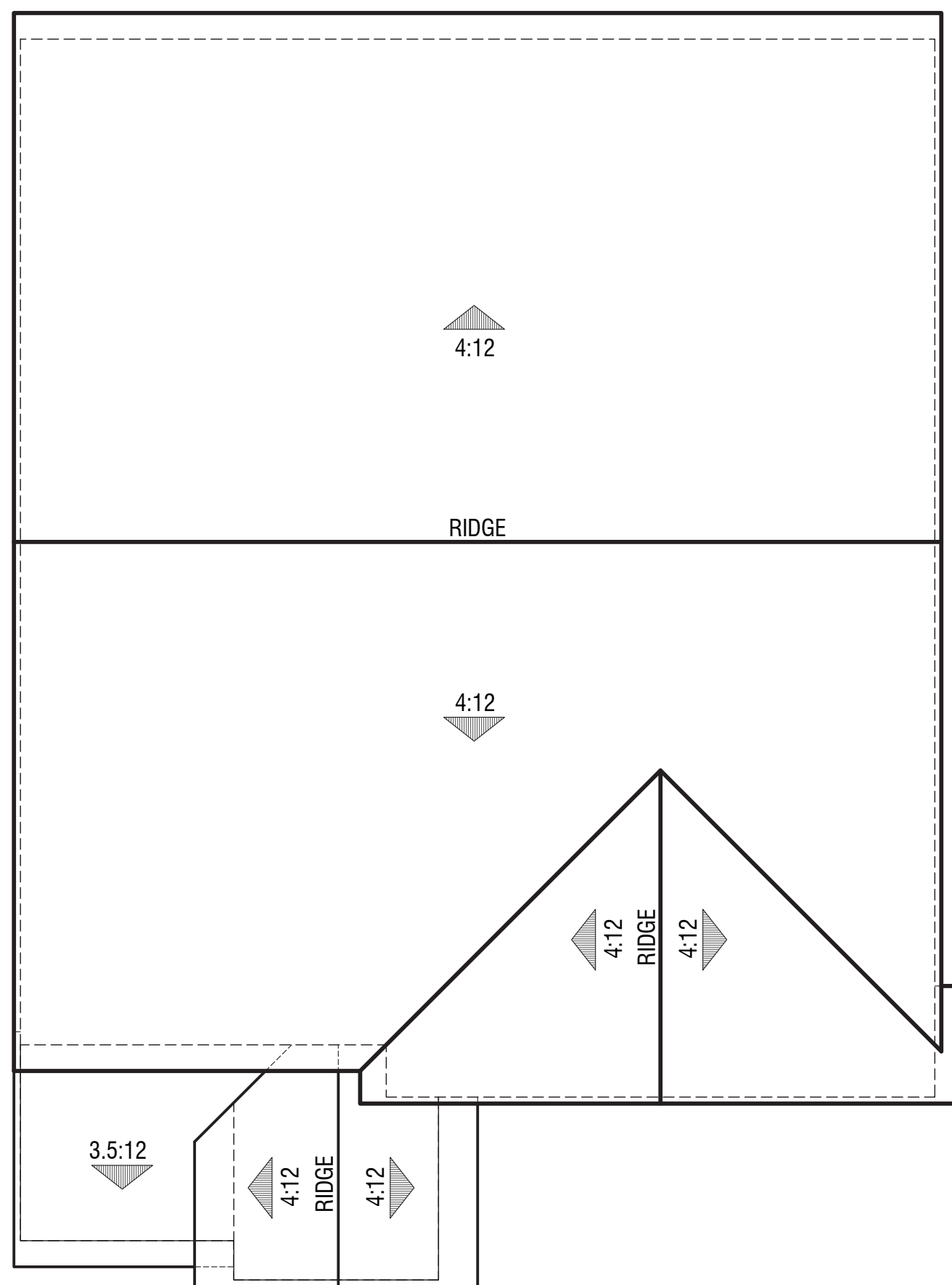
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

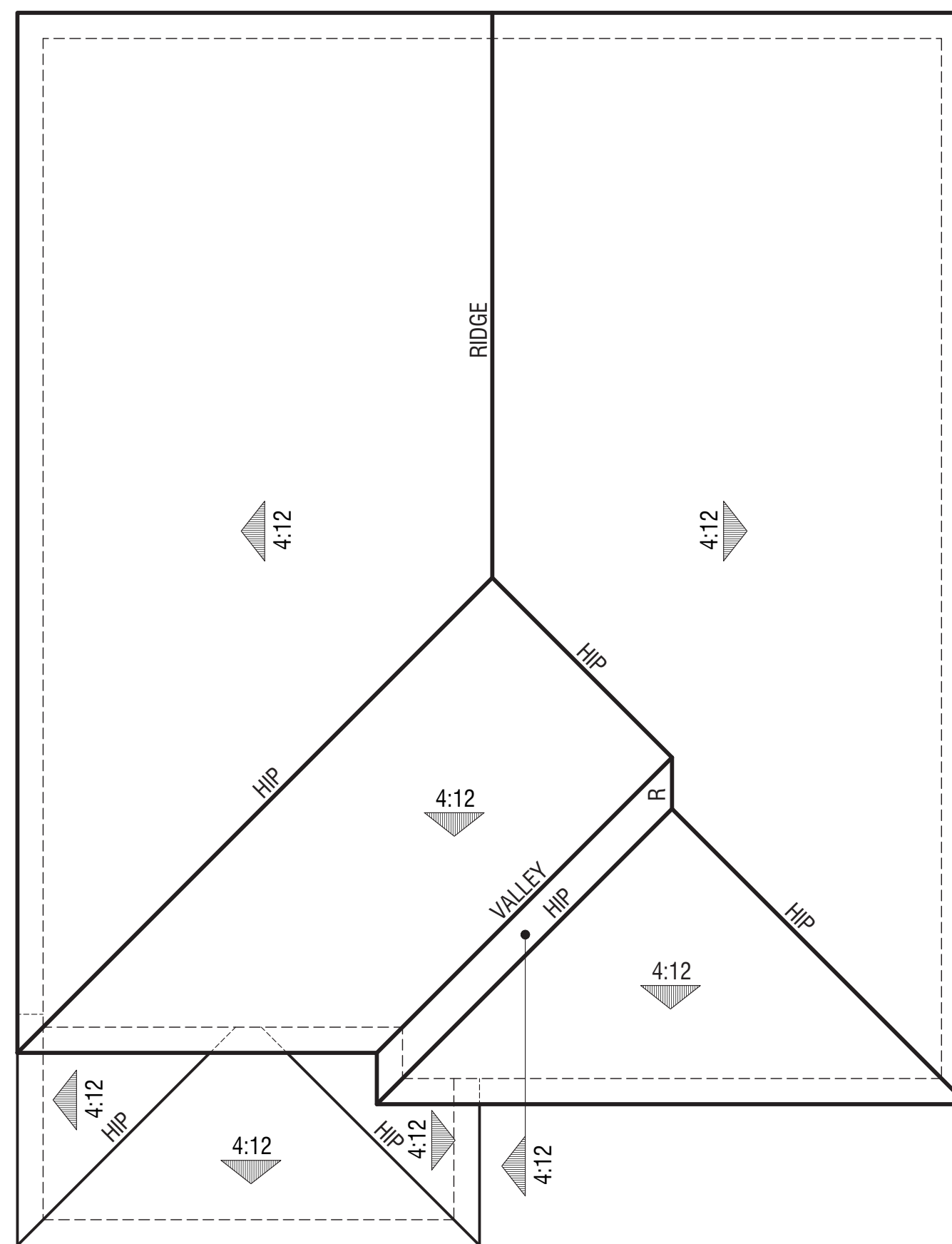


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

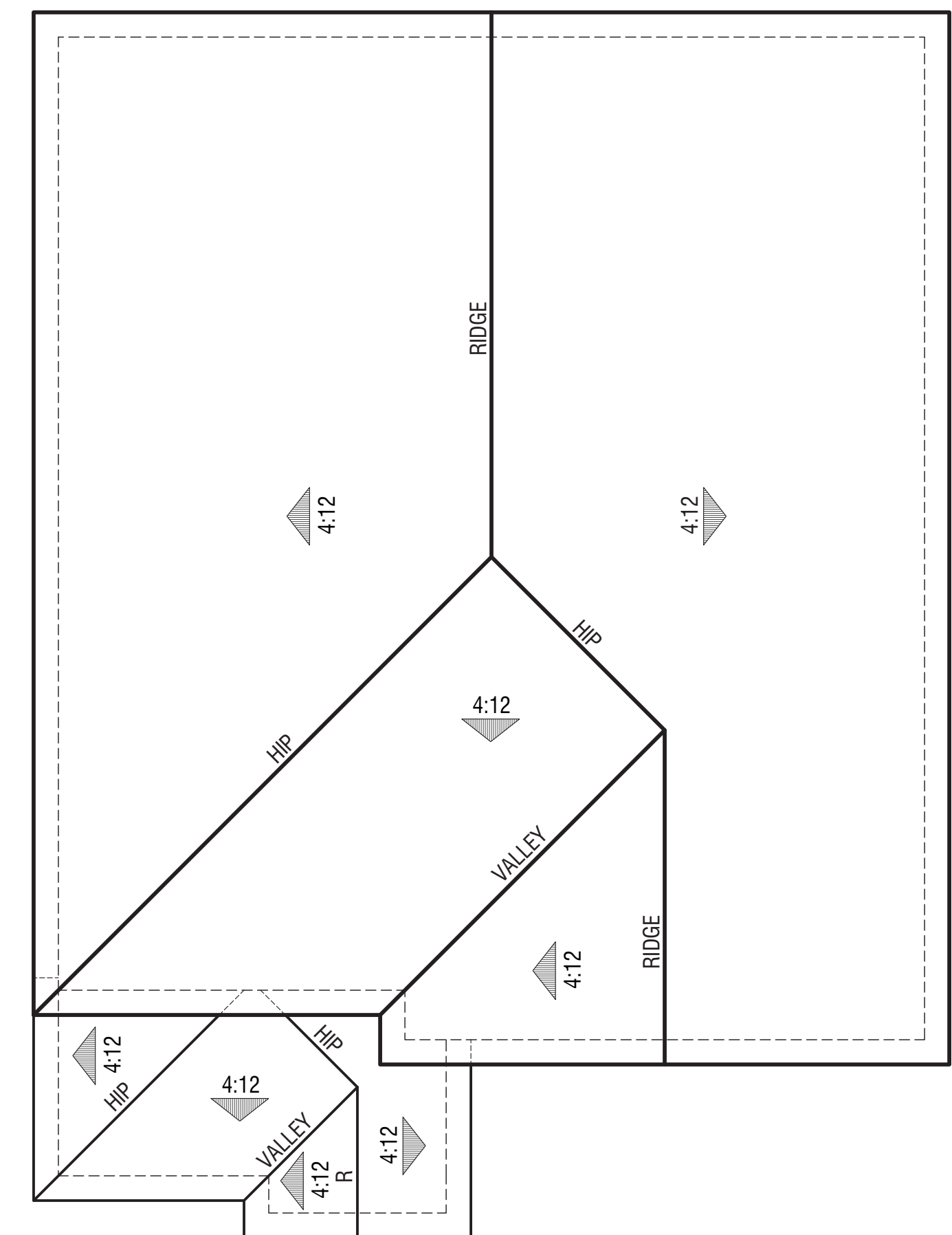
A4.1



Spanish Elevation



Italianate Elevation



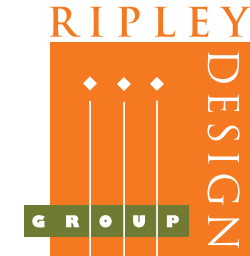
Mediterranean Elevation

PLAN 2311

Roof Plans

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

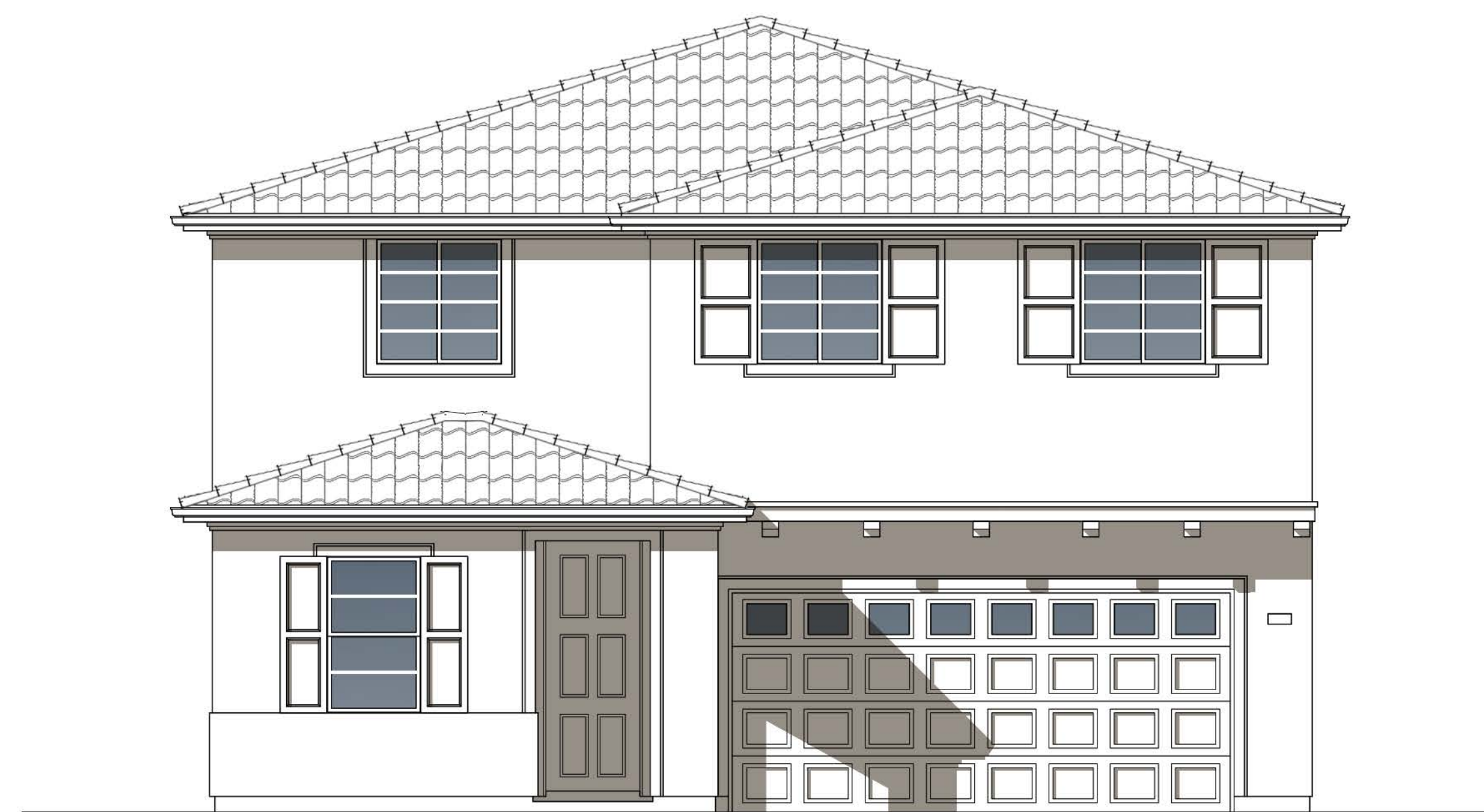


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

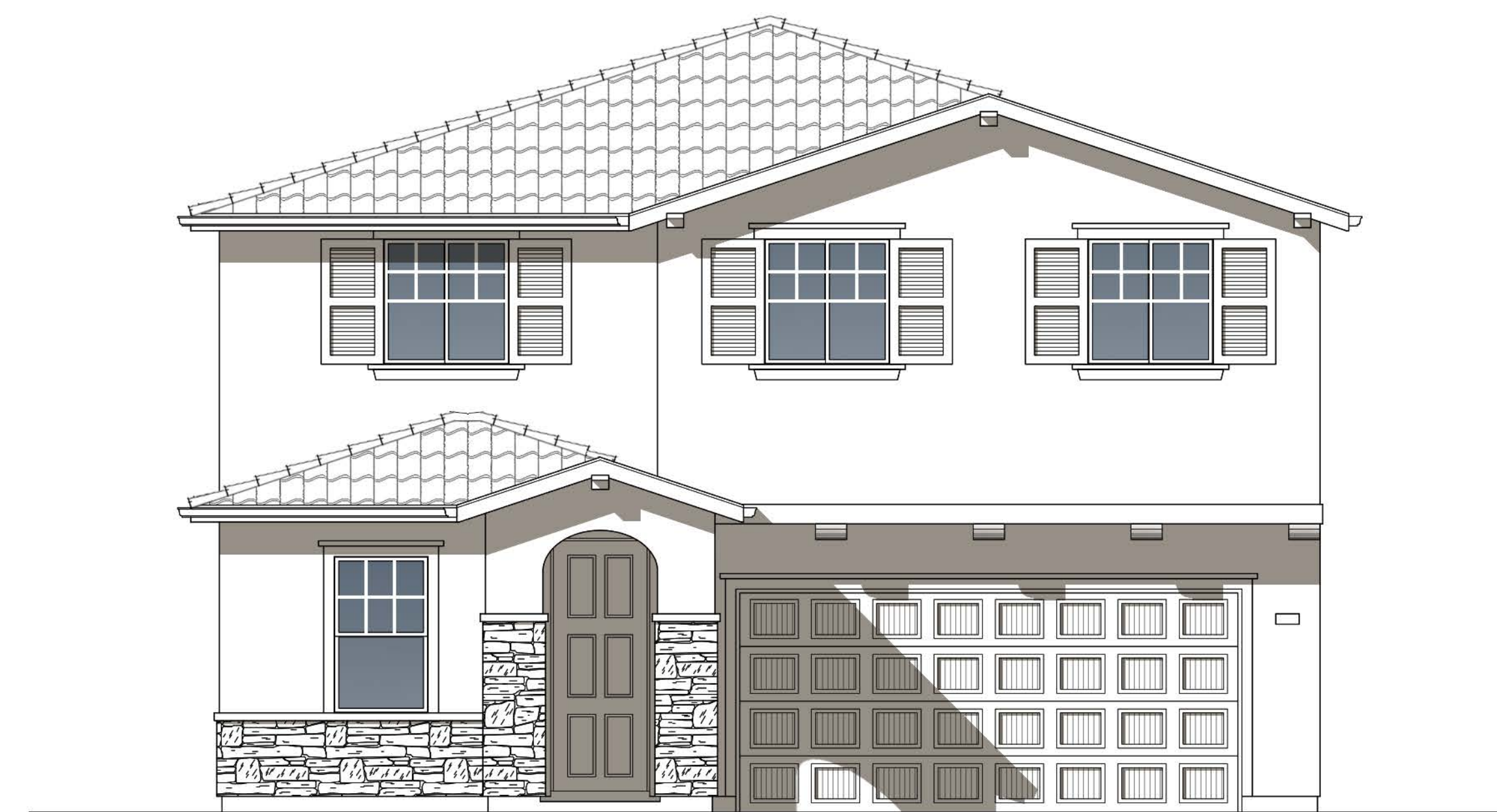
A4.2



Spanish Elevation



Italianate Elevation



Mediterranean Elevation

PLAN 2311

Front Elevations

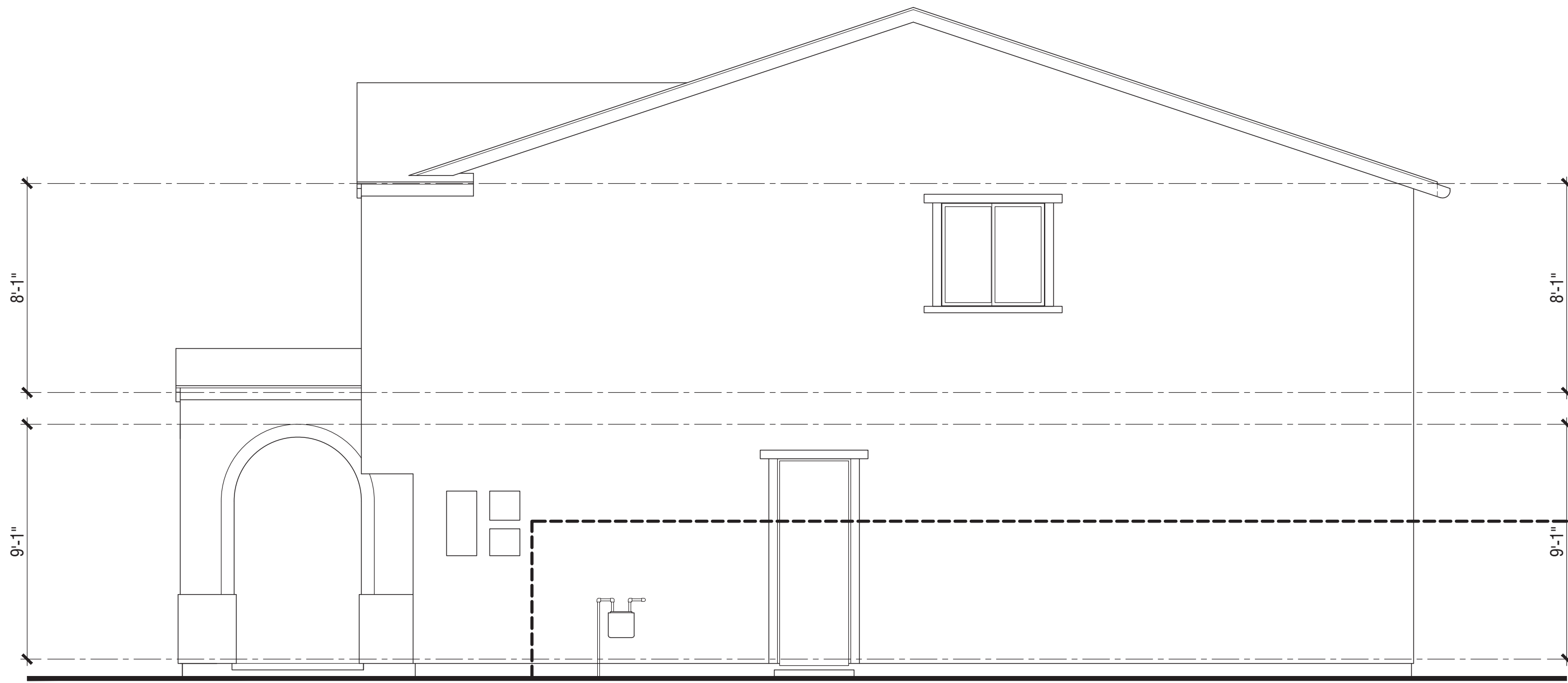
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

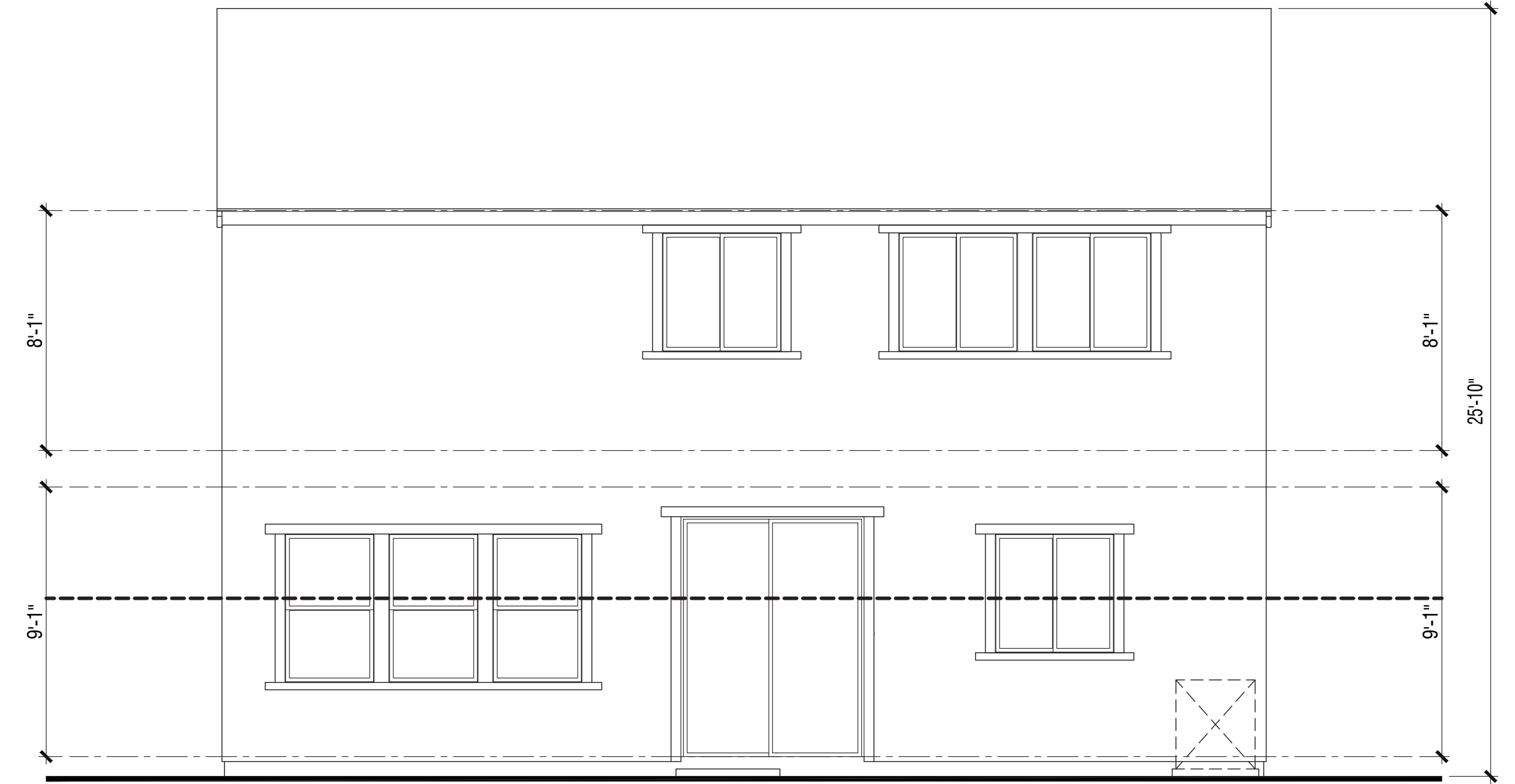


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

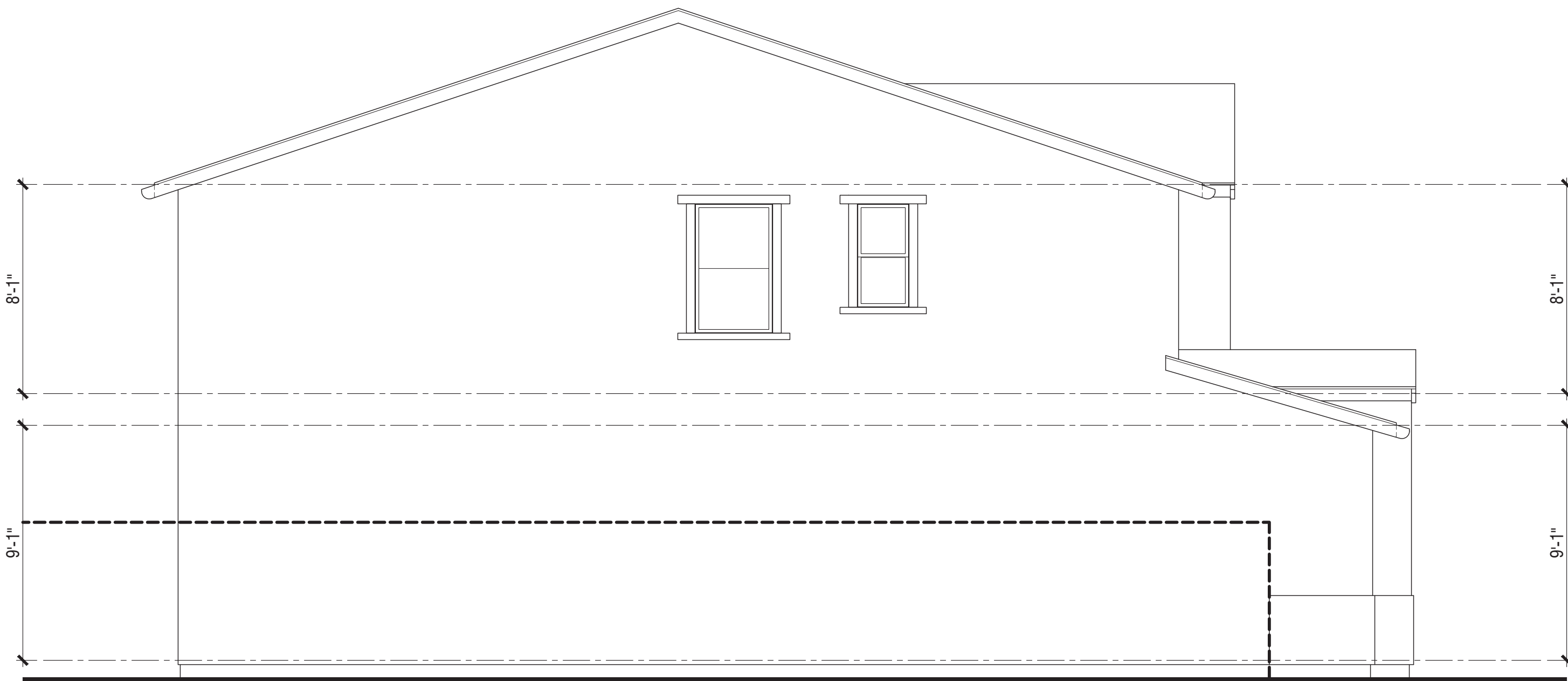
A4.3



Right Elevation



Rear Elevation



Left Elevation



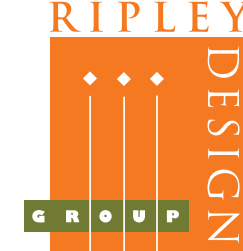
Front Elevation

PLAN 2311

Spanish Elevations

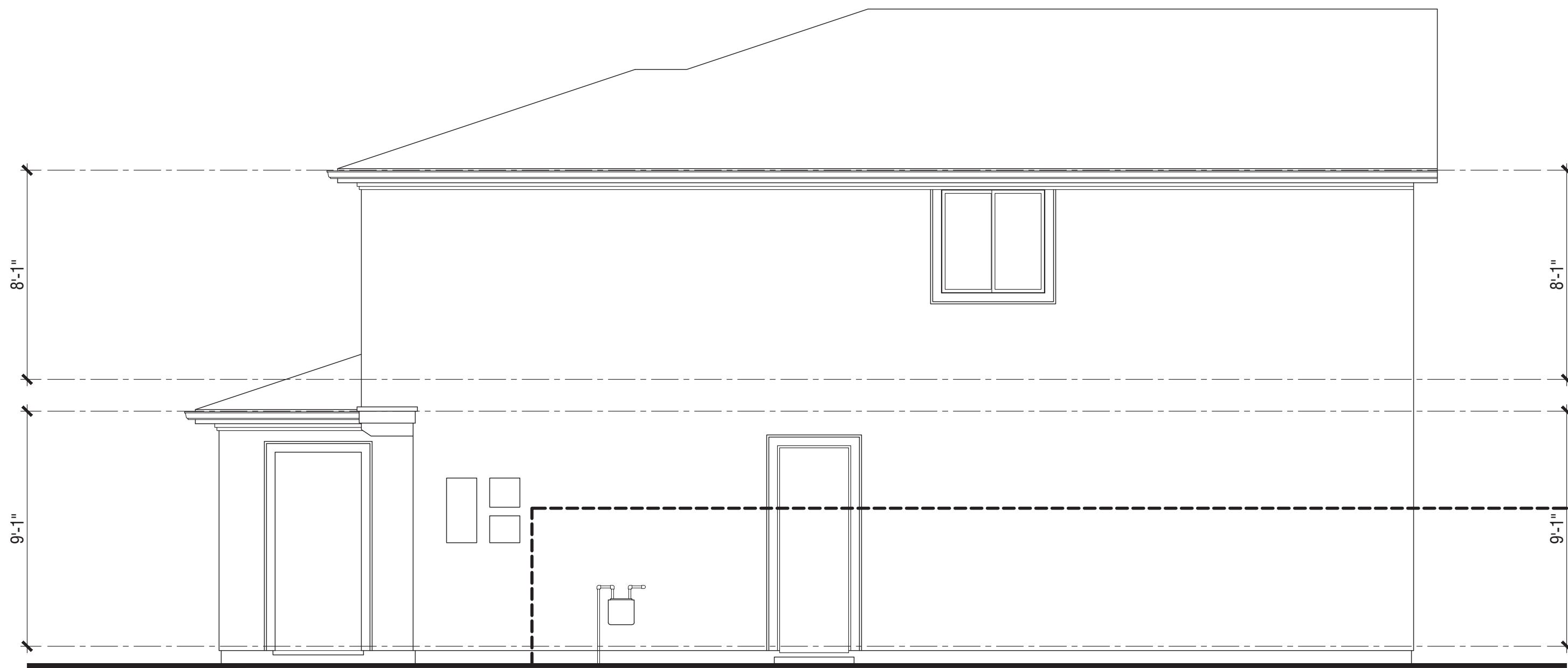
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

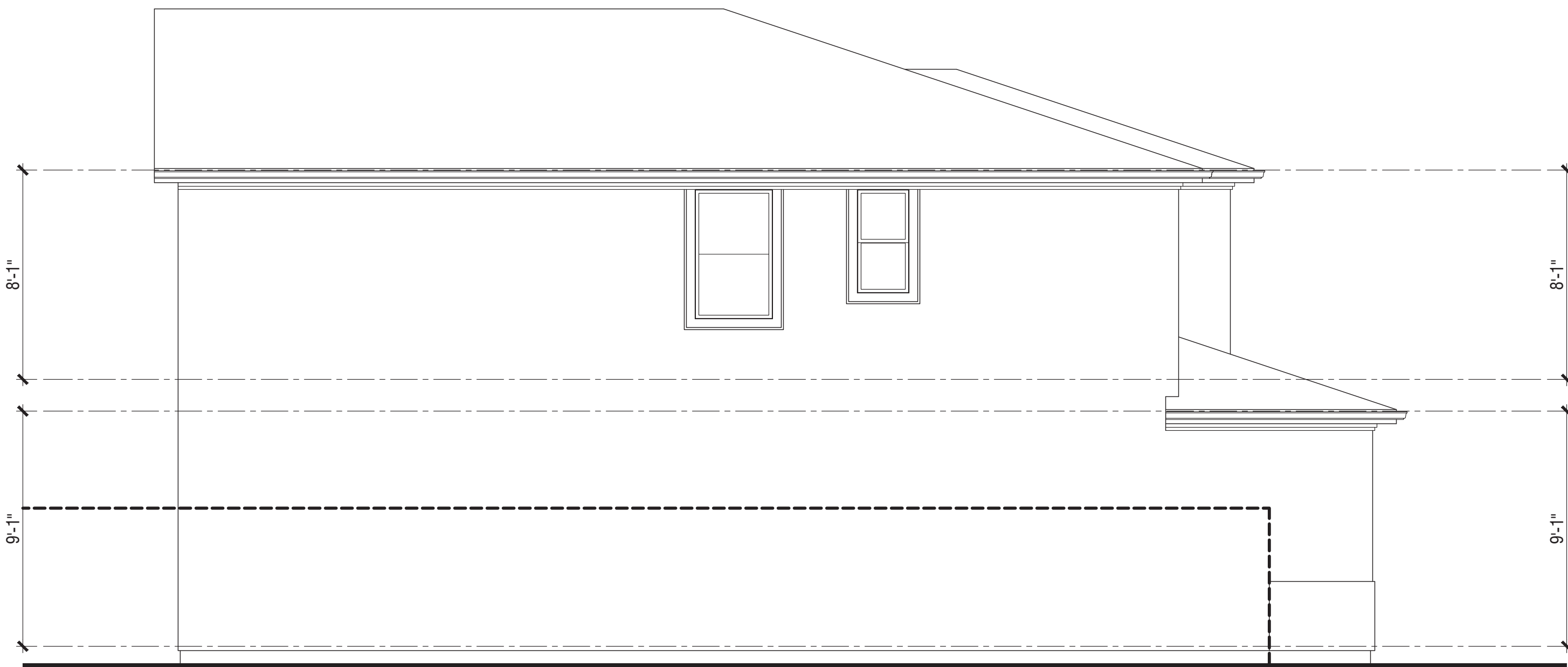
A4.4



Right Elevation



Rear Elevation



Left Elevation



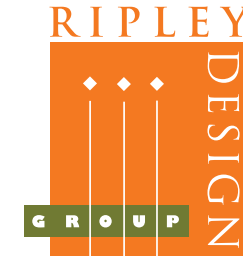
Front Elevation

PLAN 2311

Italianate Elevations

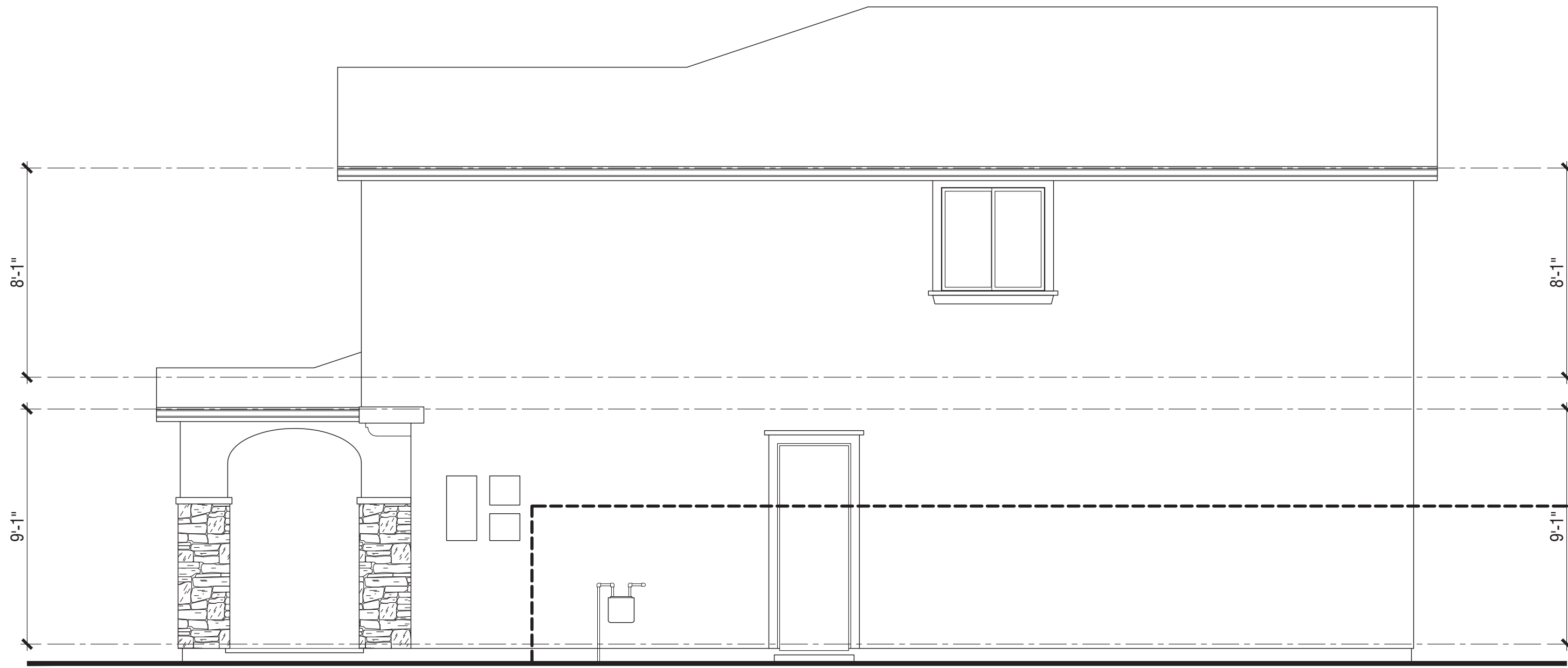
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

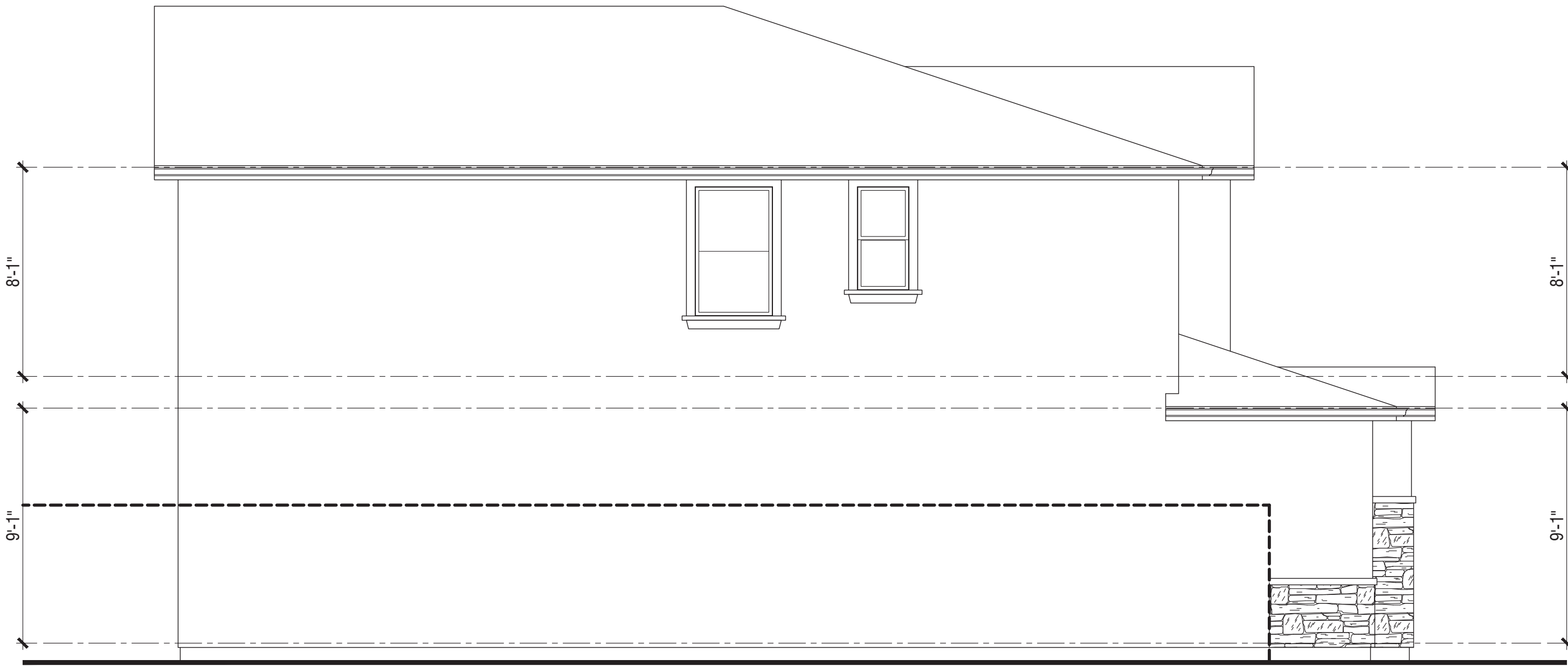
A4.5



Right Elevation



Rear Elevation



Left Elevation



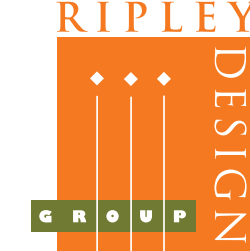
Front Elevation

PLAN 2311

Mediterranean Elevations

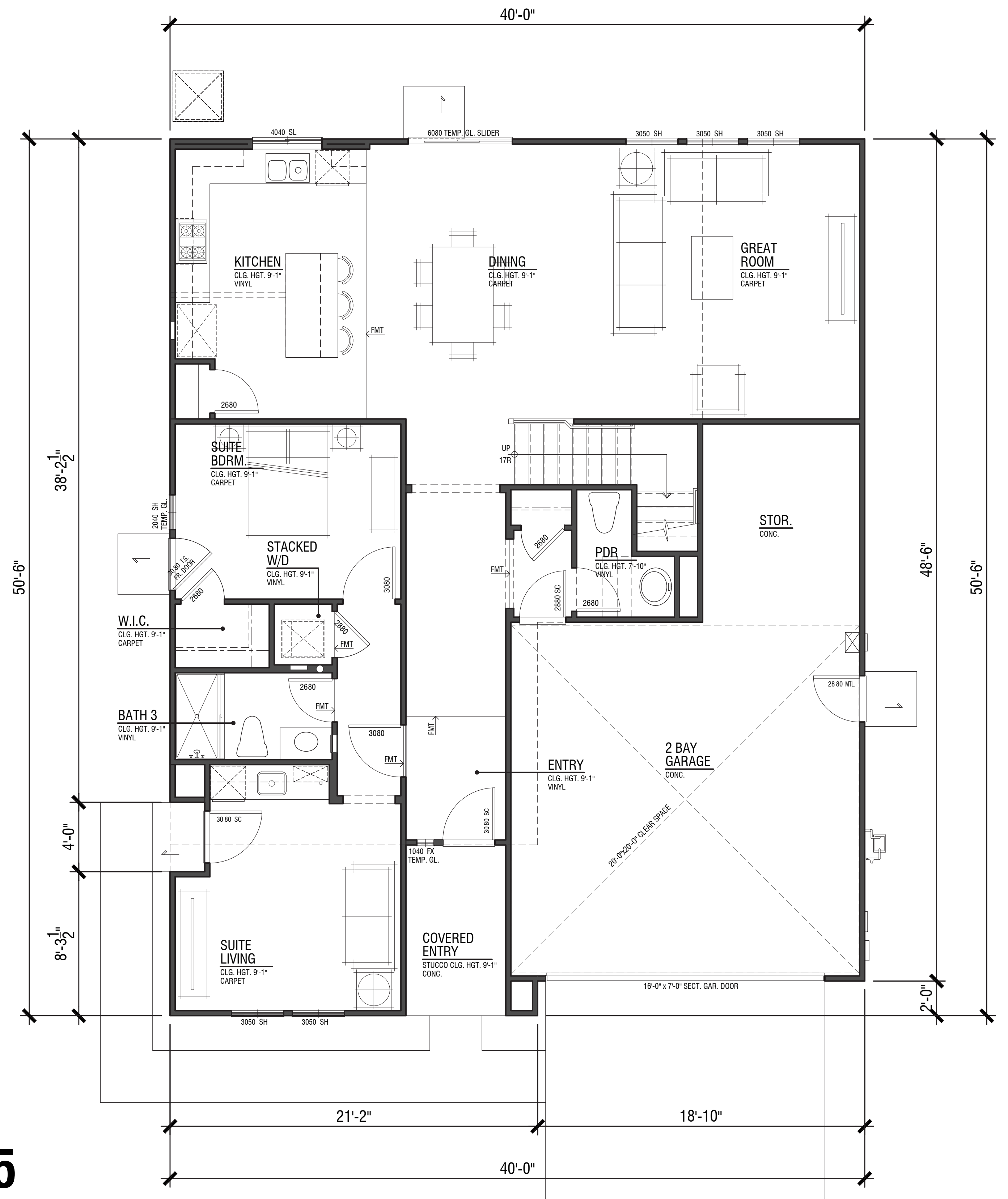
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A4.6

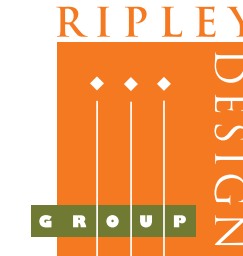


PLAN 2435

2,435 SF
4 Bdrm | 3.5 Bath | Loft
2-Car Garage

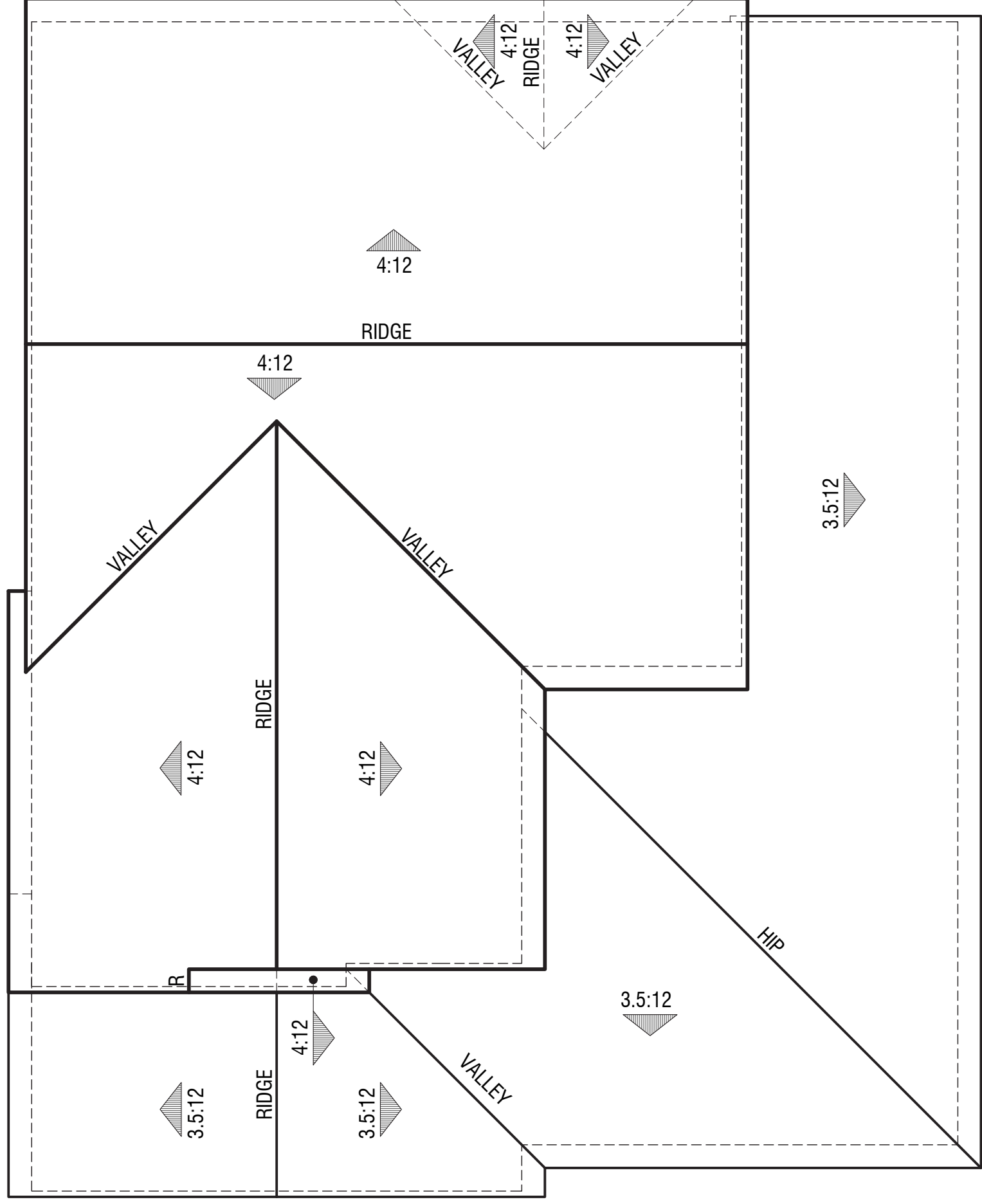
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

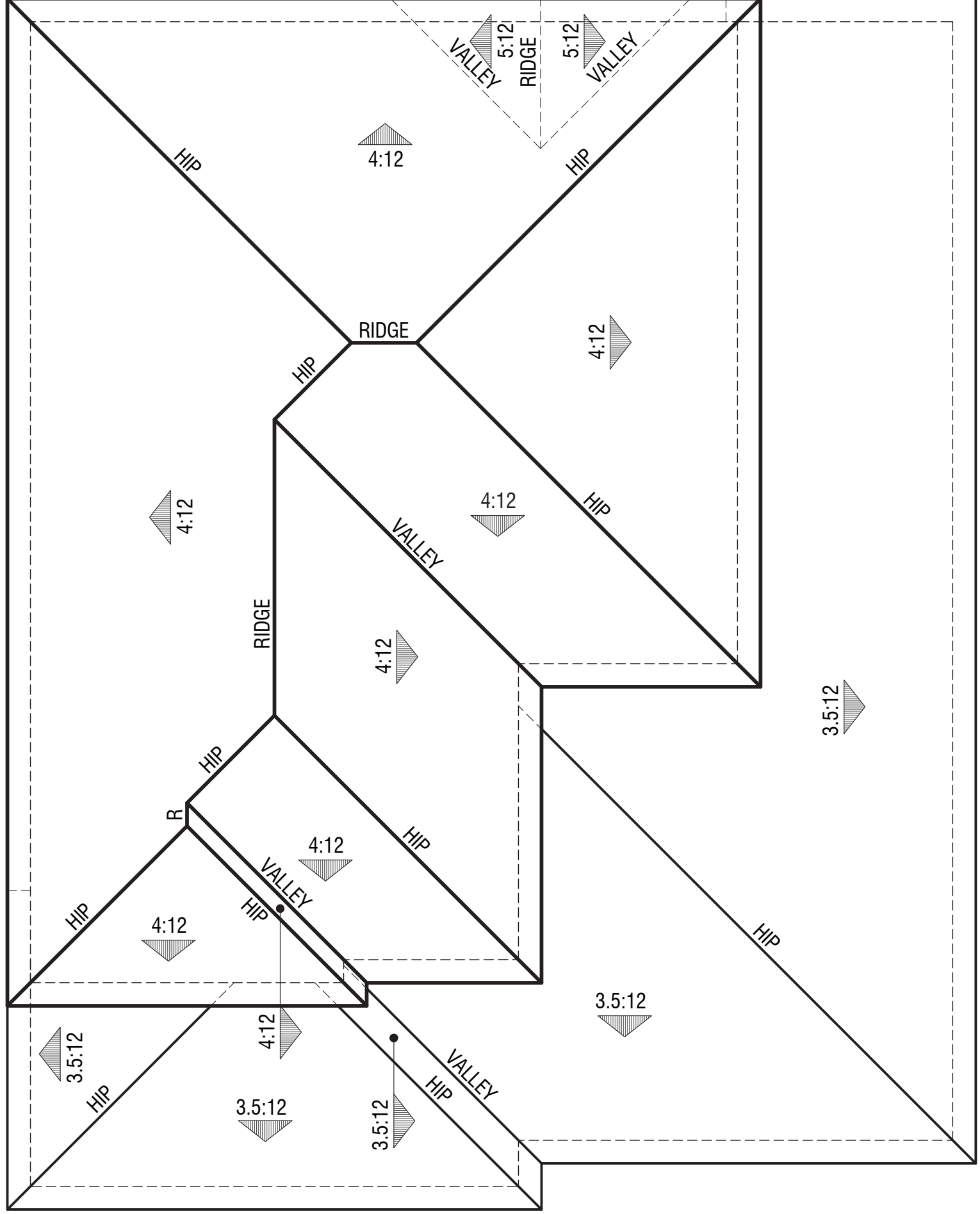


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

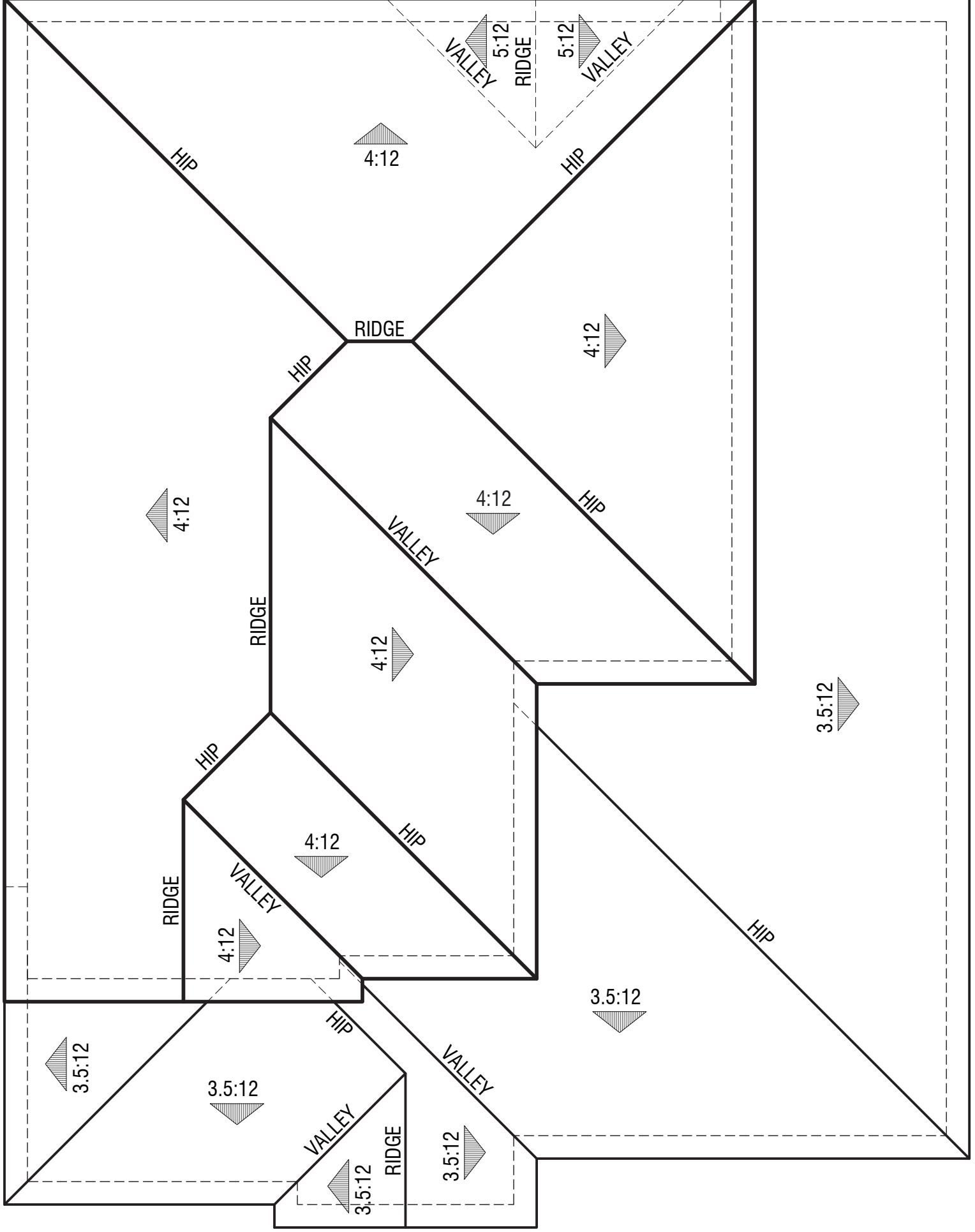
A5.1



Spanish Elevation



Italianate Elevation



Mediterranean Elevation

PLAN 2435
Roof Plans

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

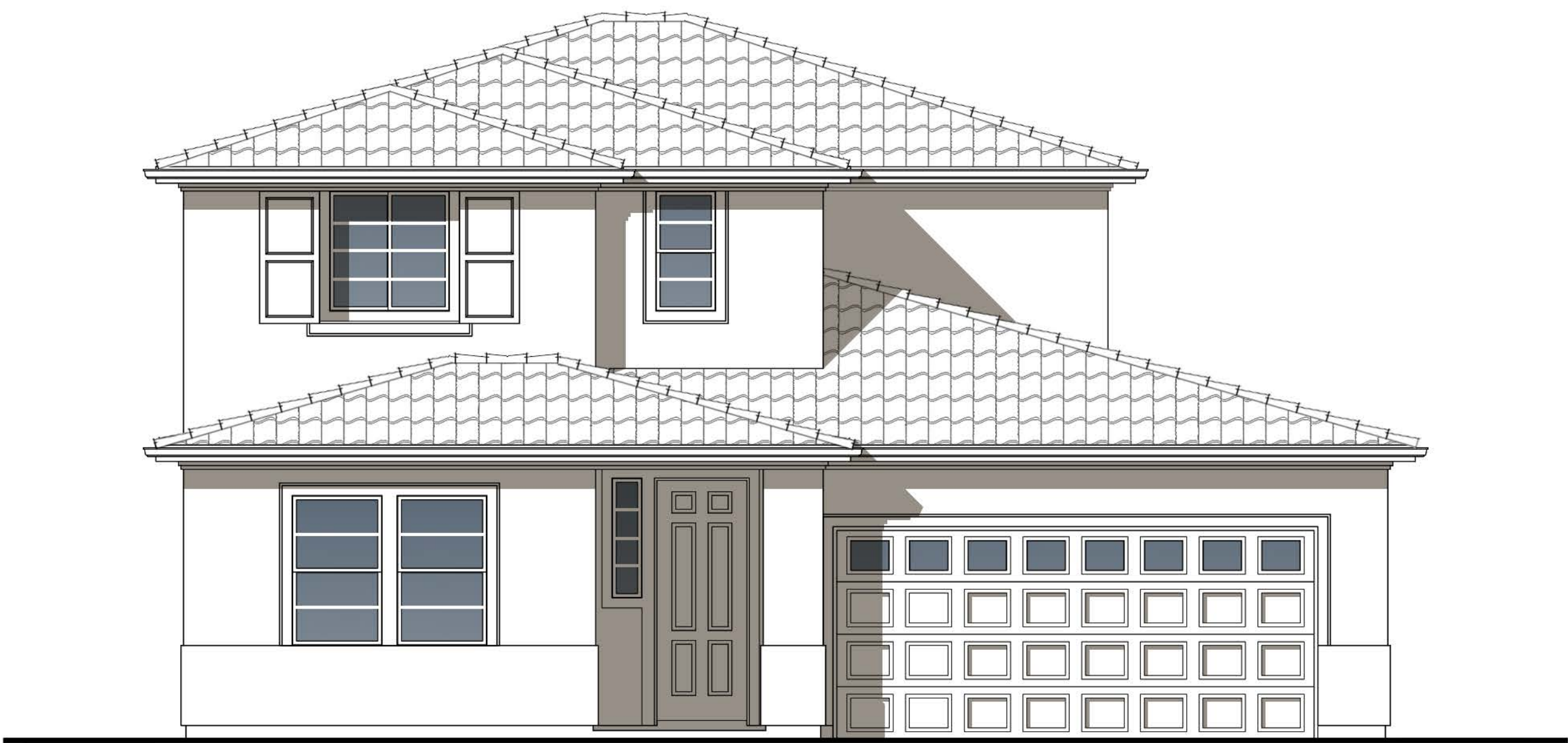


JOB NO.	202013-001
DATE	NOV. 2021
SCALE	AS SHOWN

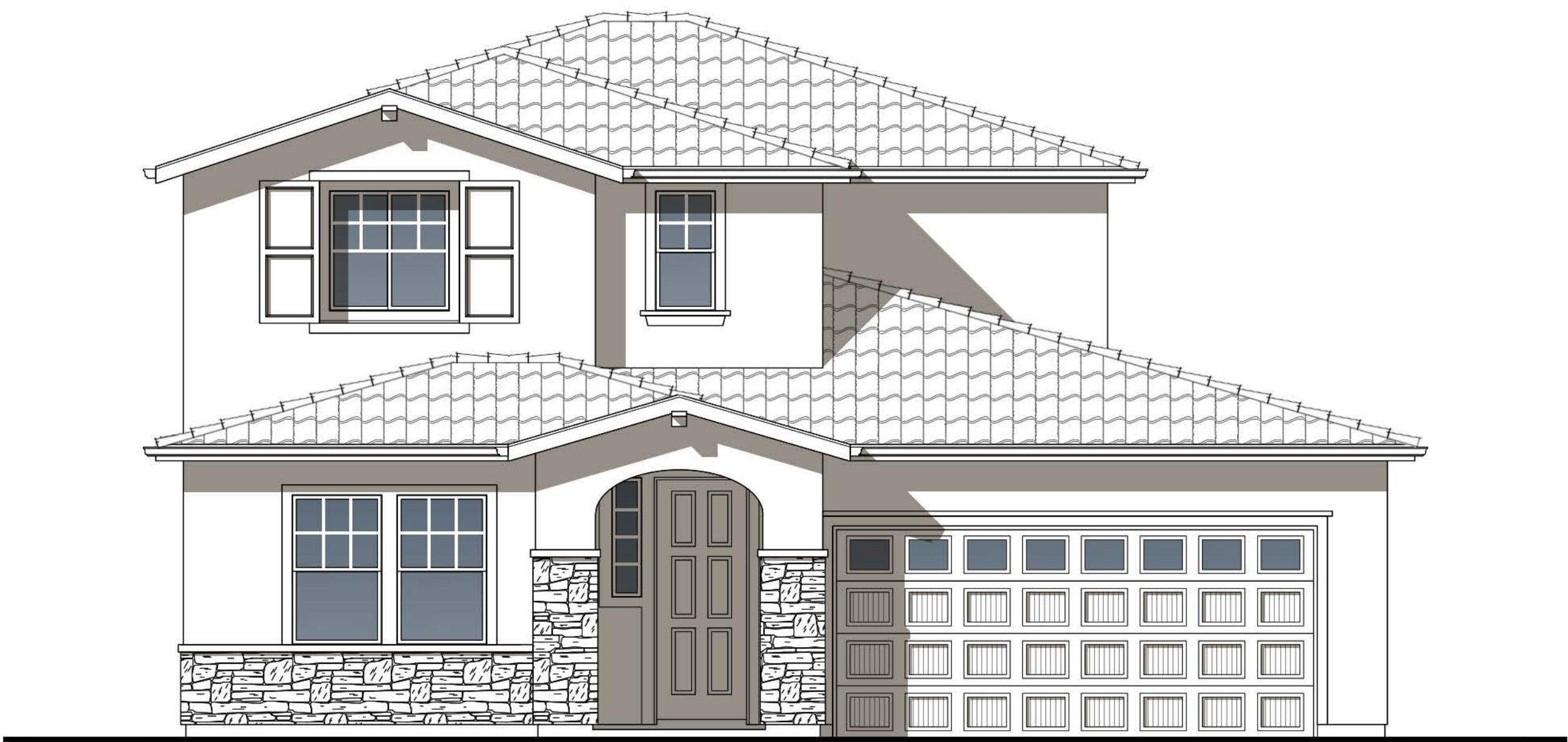
A5.2



Spanish Elevation



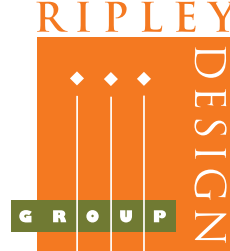
Italianate Elevation



Mediterranean Elevation

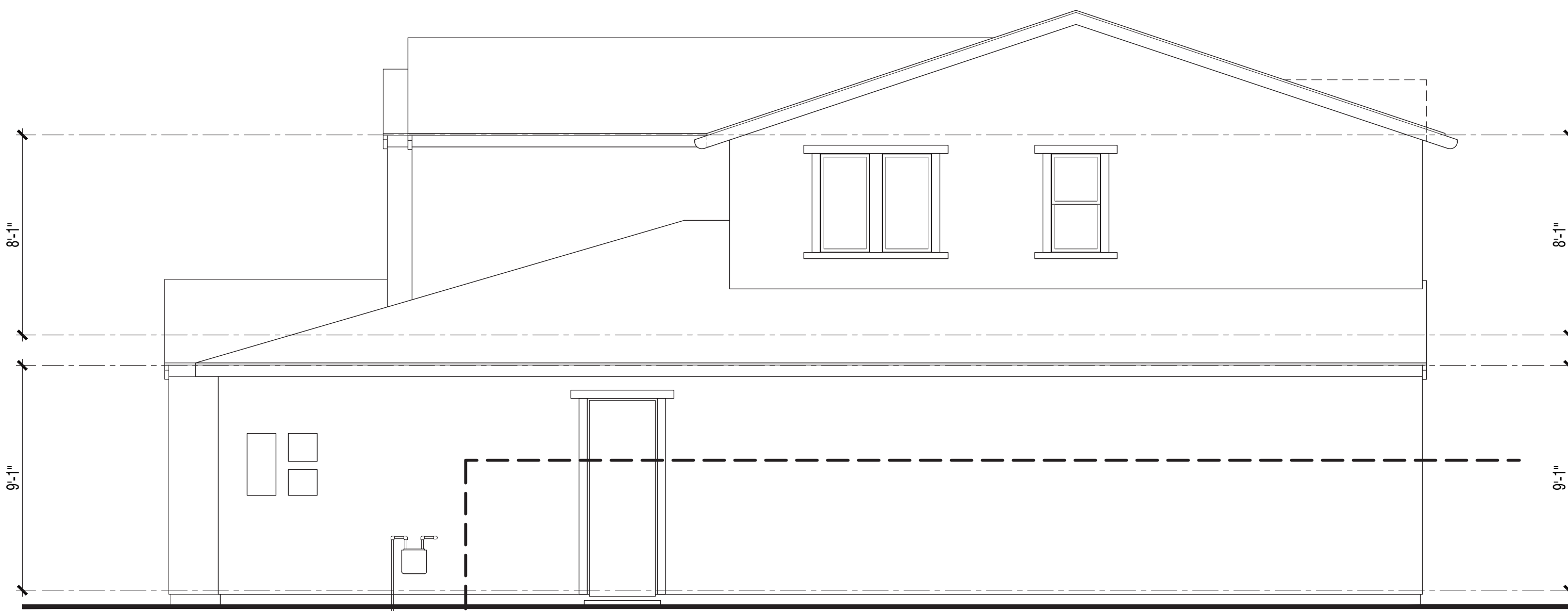
PLAN 2435
Front Elevations

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

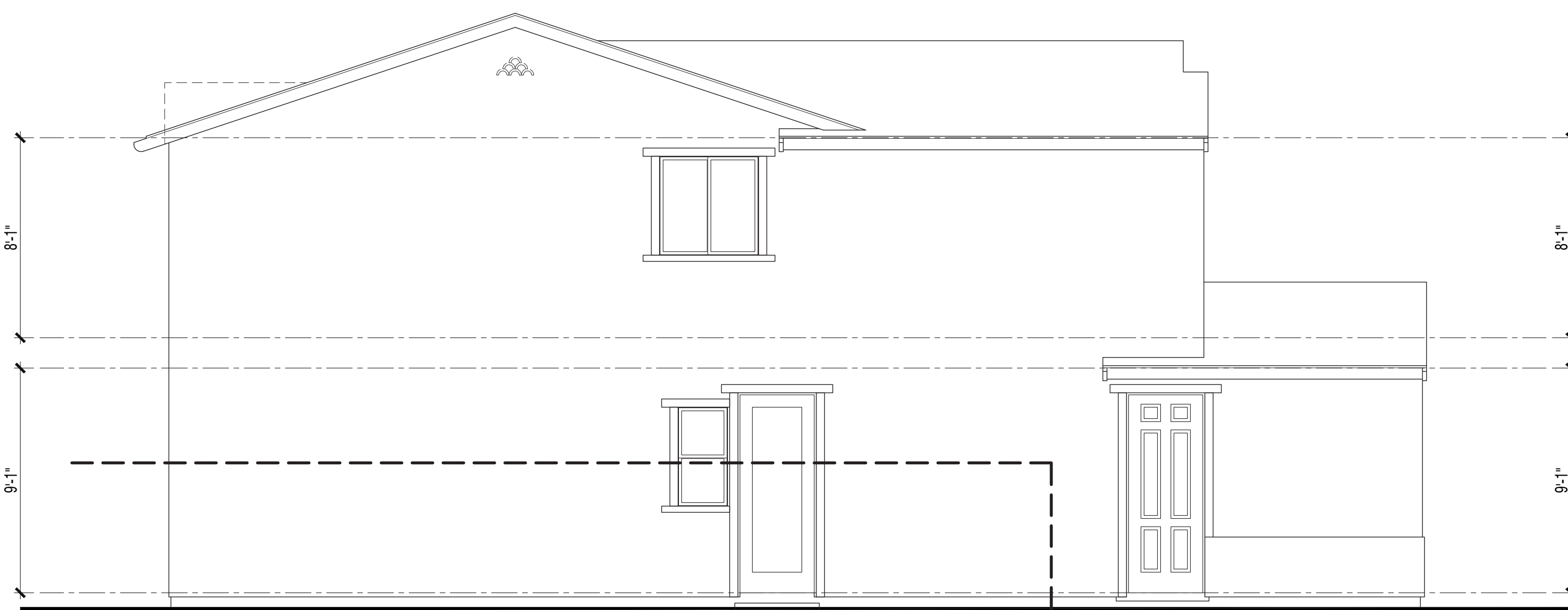
A5.3



Right Elevation



Rear Elevation



Left Elevation

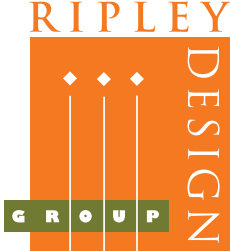


Front Elevation

PLAN 2435

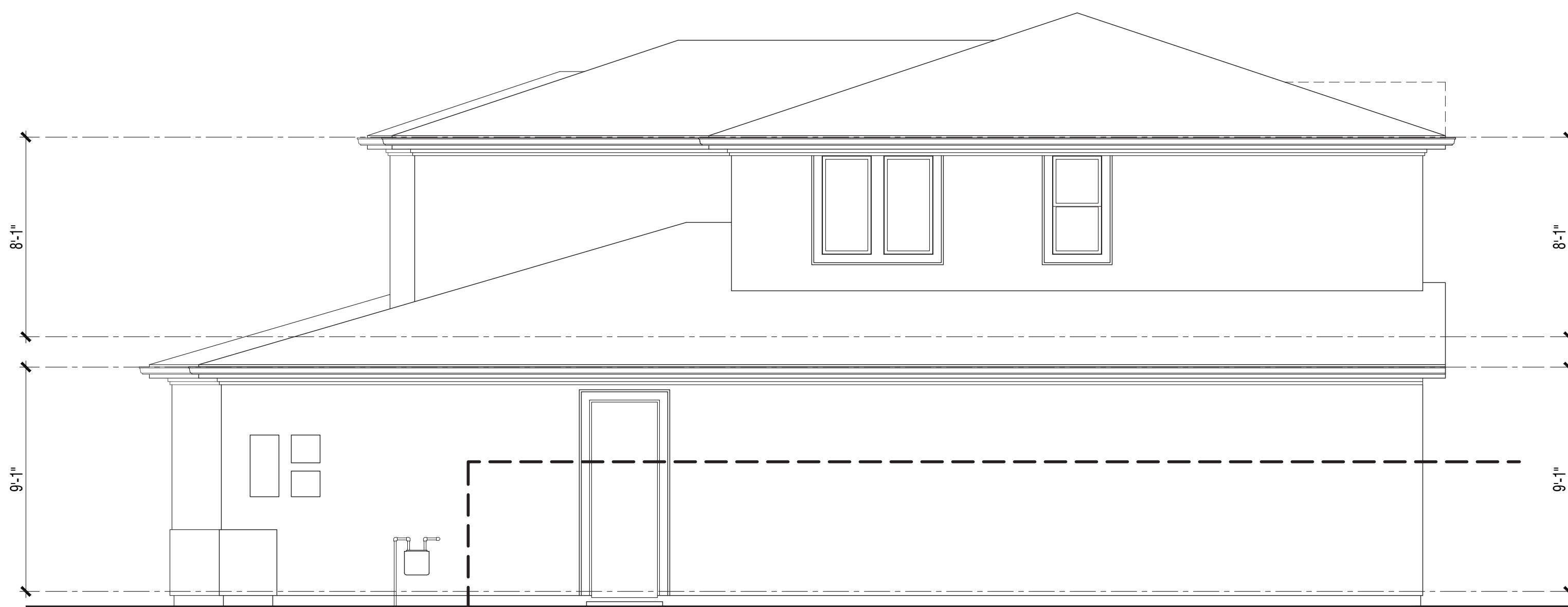
Spanish Elevations

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

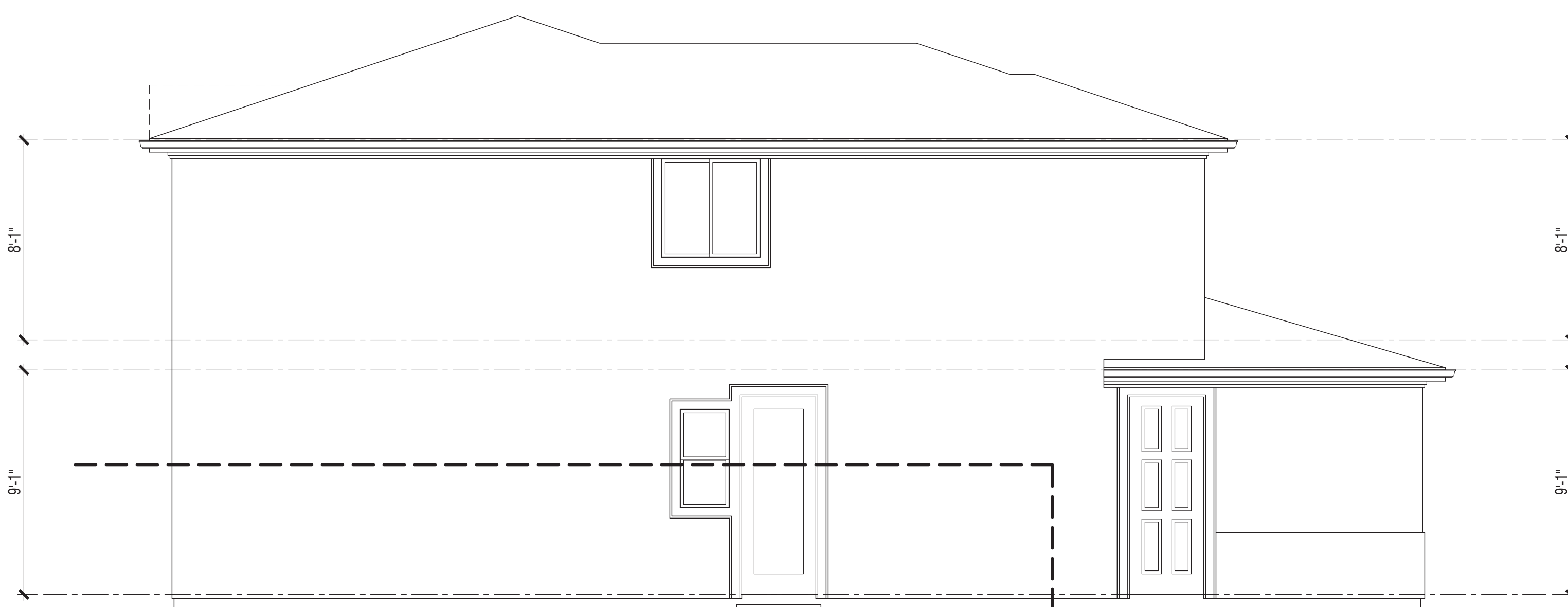
A5.4



Right Elevation



Rear Elevation



Left Elevation



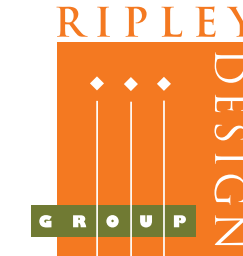
Front Elevation

PLAN 2435

Italianate Elevations

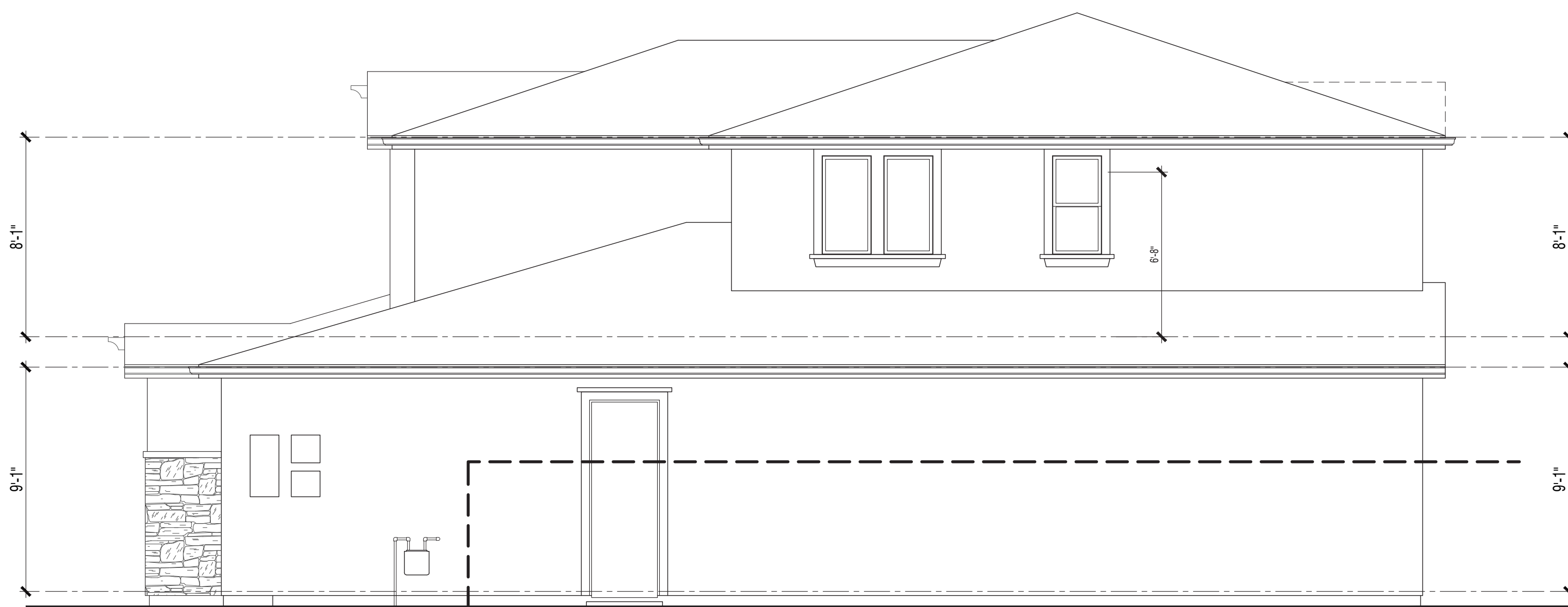
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

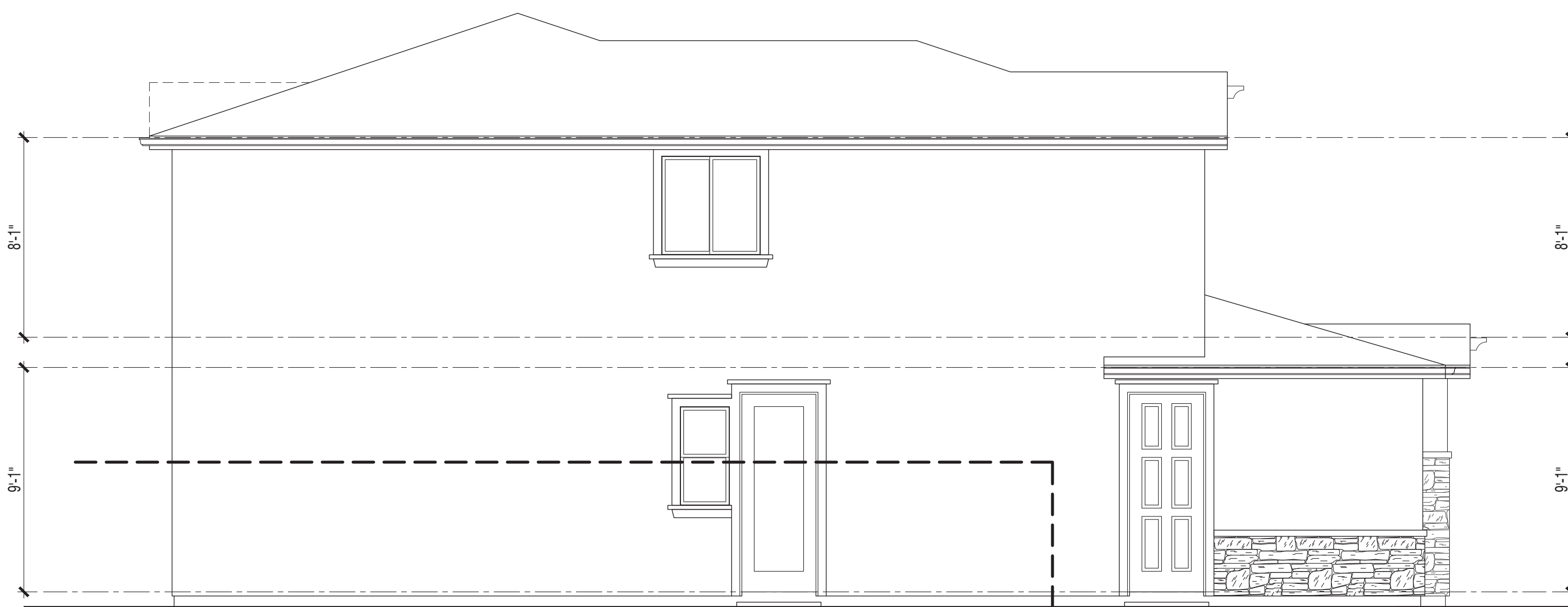
A5.5



Right Elevation



Rear Elevation



Left Elevation



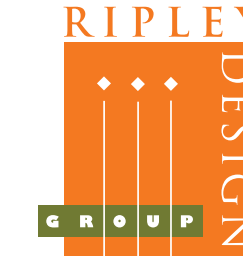
Front Elevation

PLAN 2435

Mediterranean Elevations

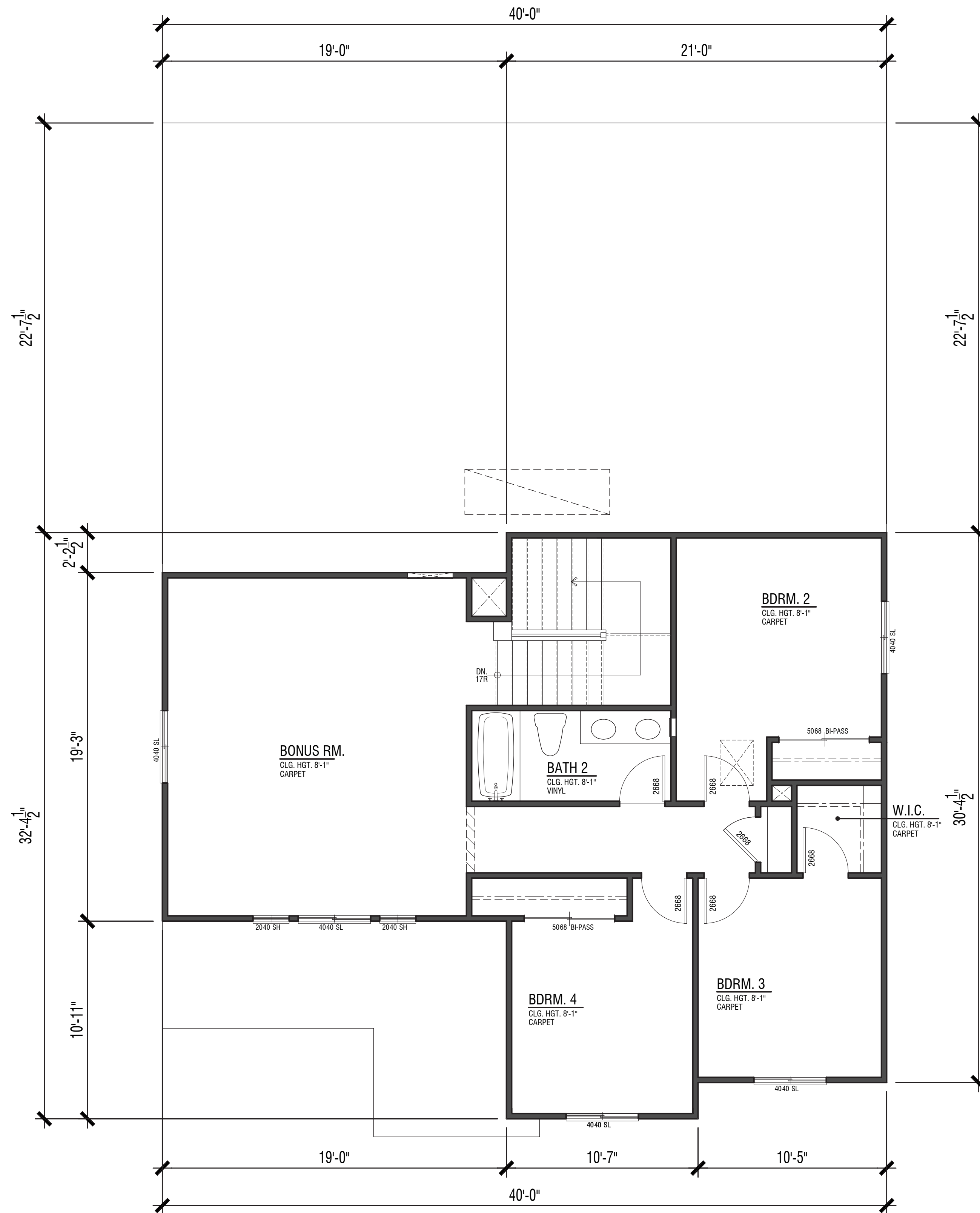
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

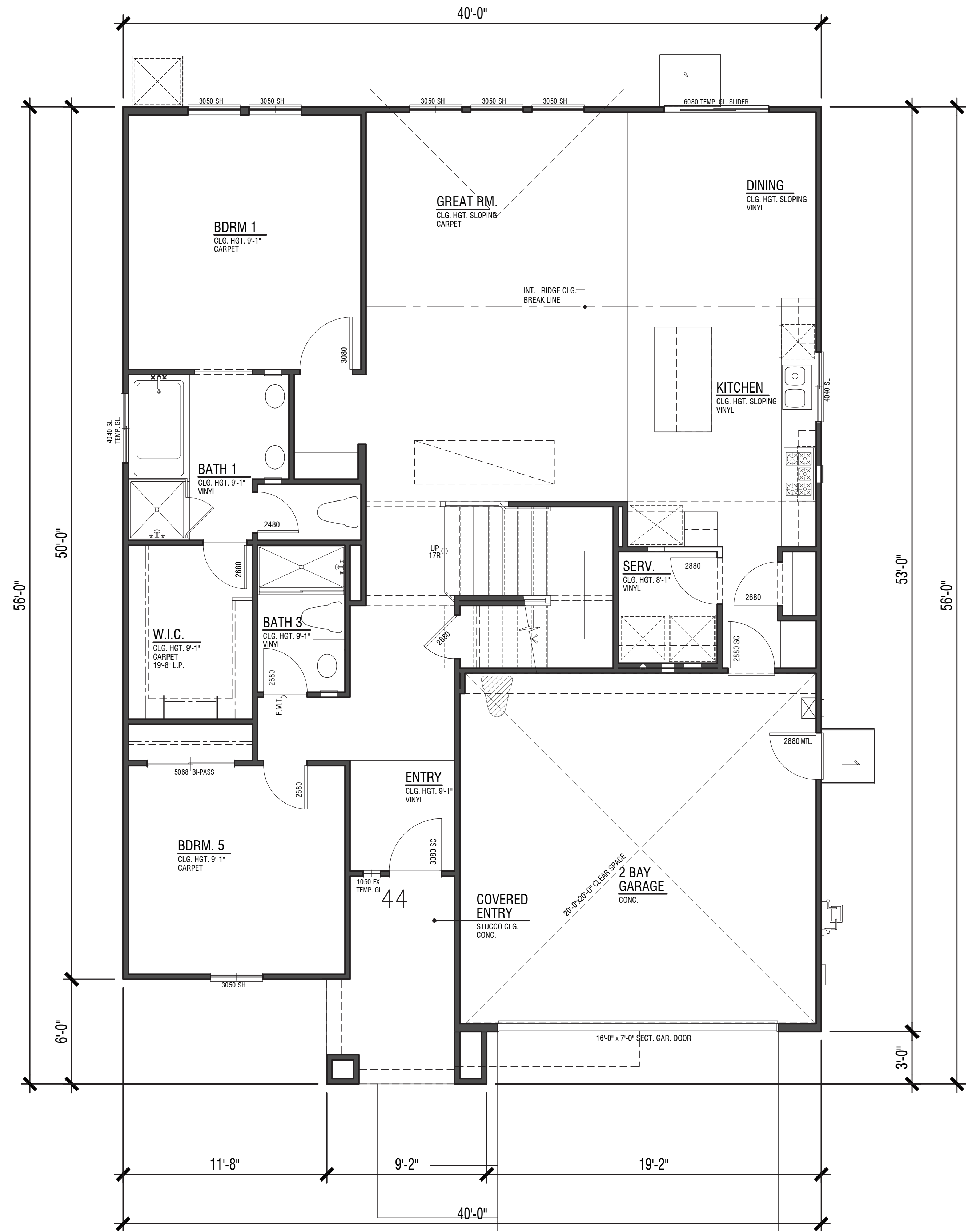


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A5.6



Upper Floor 937 SF



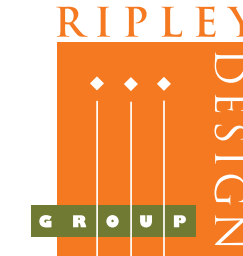
Lower Floor 1600 SF

PLAN 2537

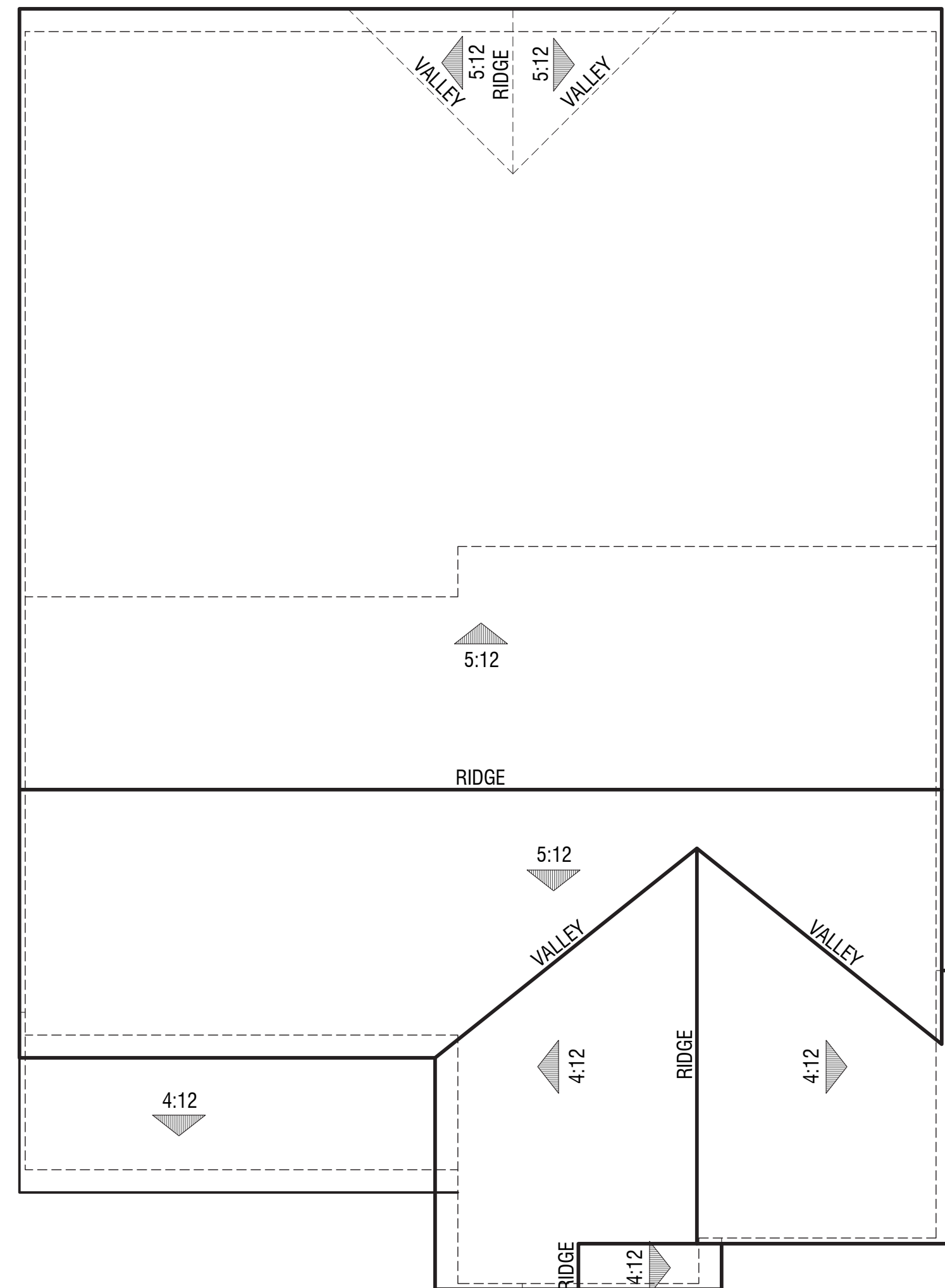
2,537 SF
5 Bdrm | 3 Bath | Bonus Room
2-Car Garage

NEW HORIZONS AT MORGAN HILL

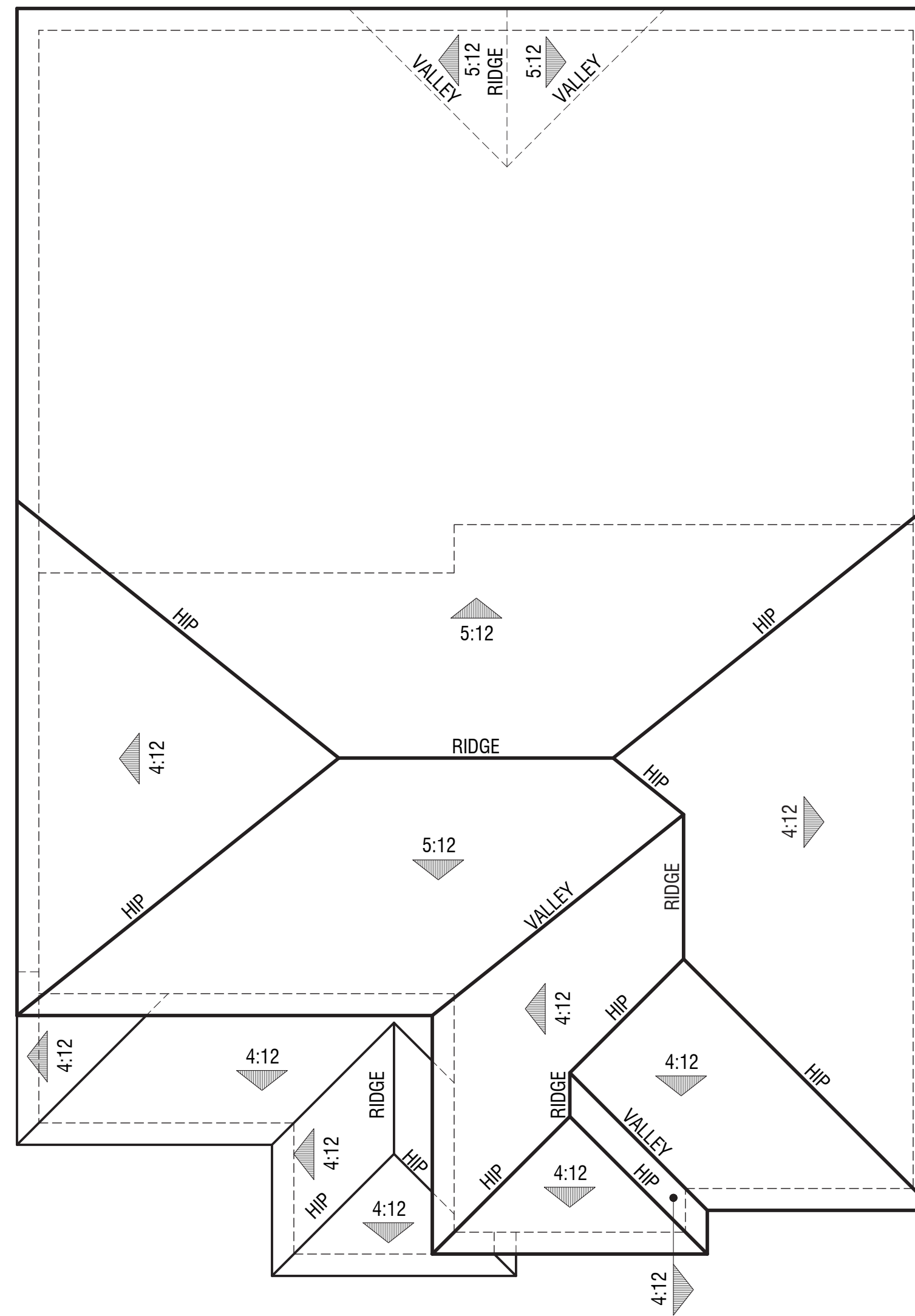
BY MORGAN HILL DEVCO, LLC



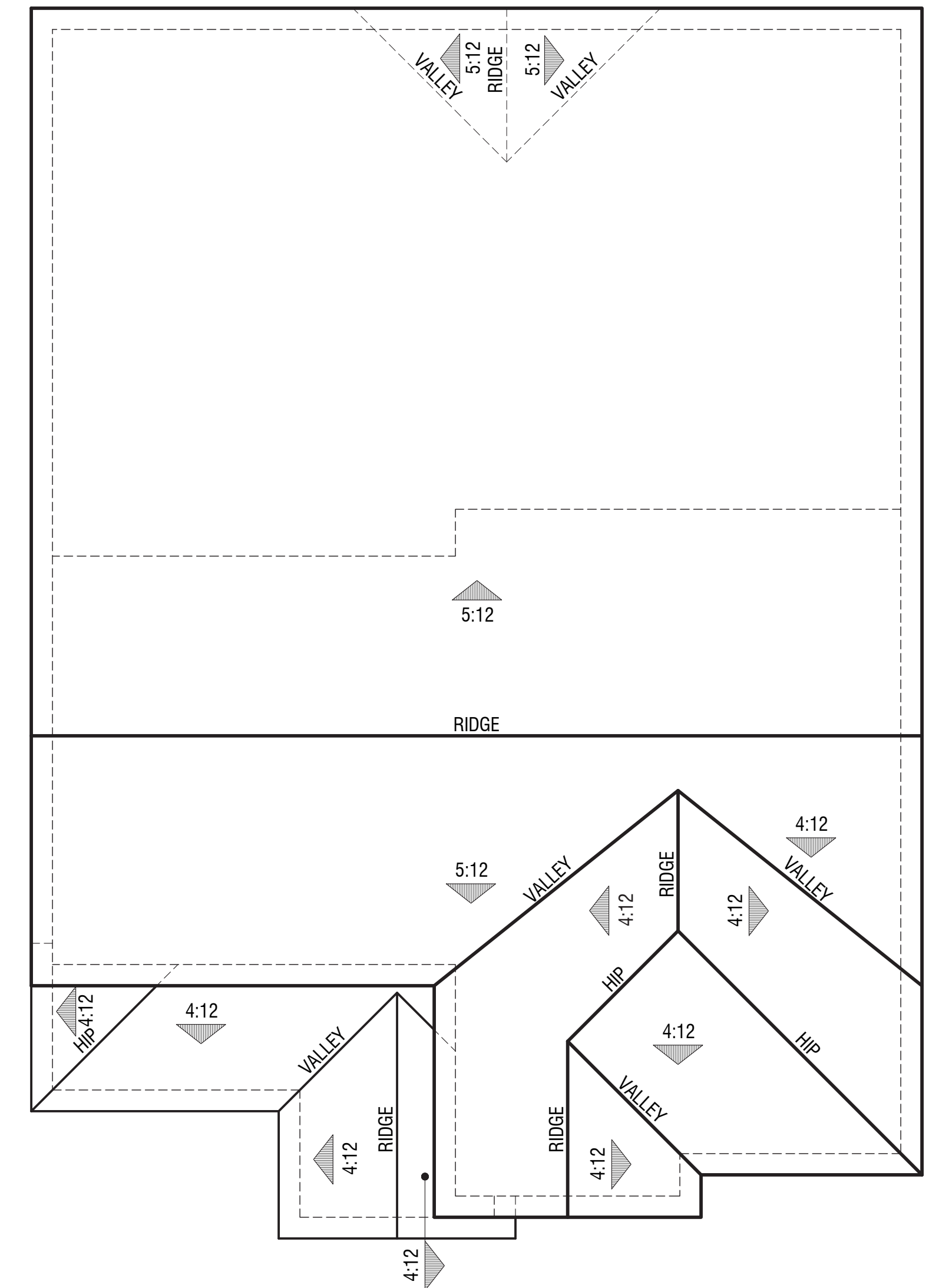
JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN



Spanish Elevation



Italianate Elevation



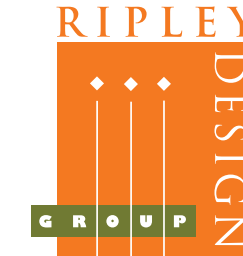
Mediterranean Elevation

PLAN 2537

Roof Plans

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

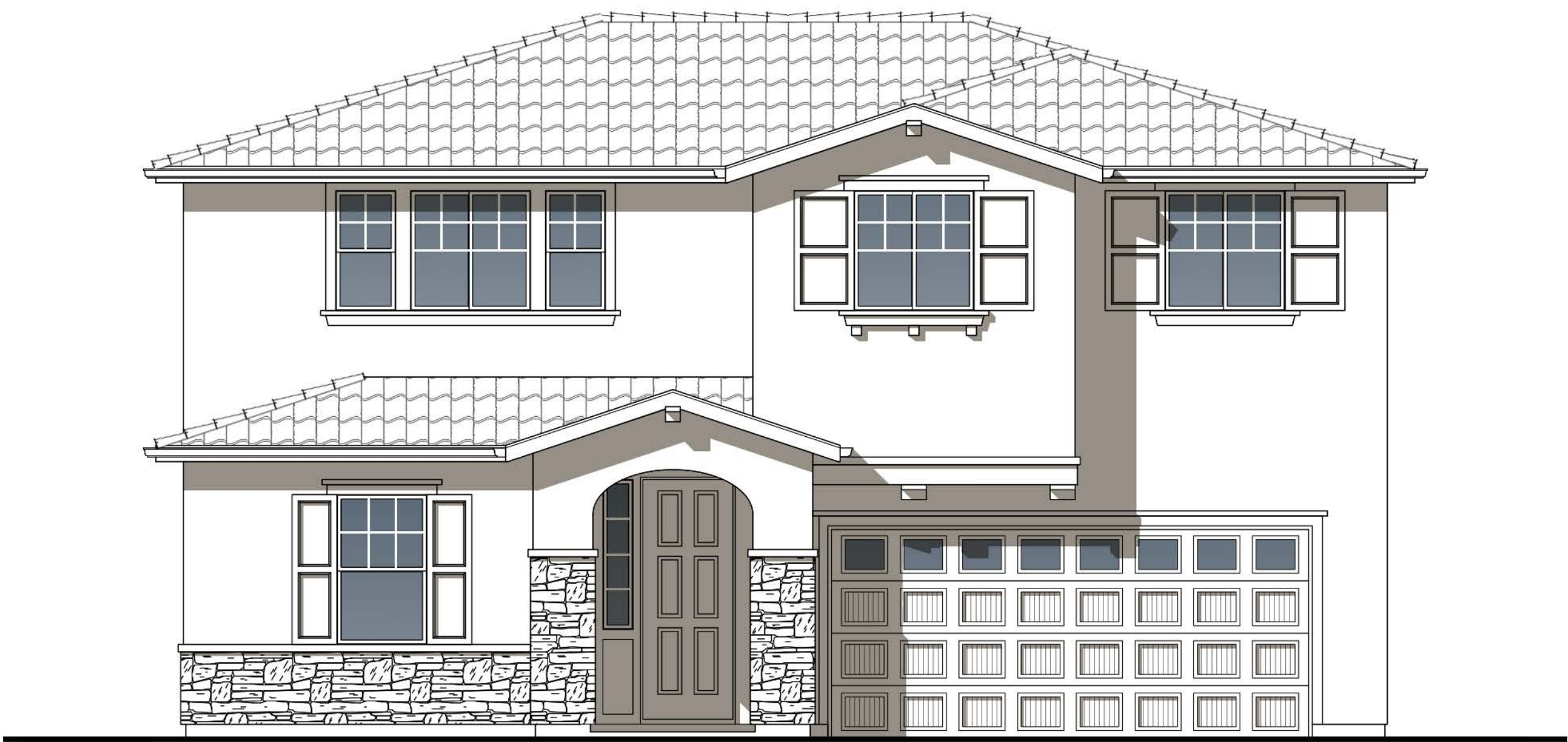
A6.2



Spanish Elevation



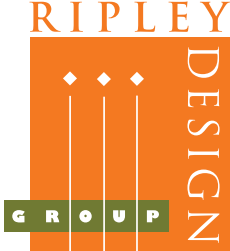
Italianate Elevation



Mediterranean Elevation

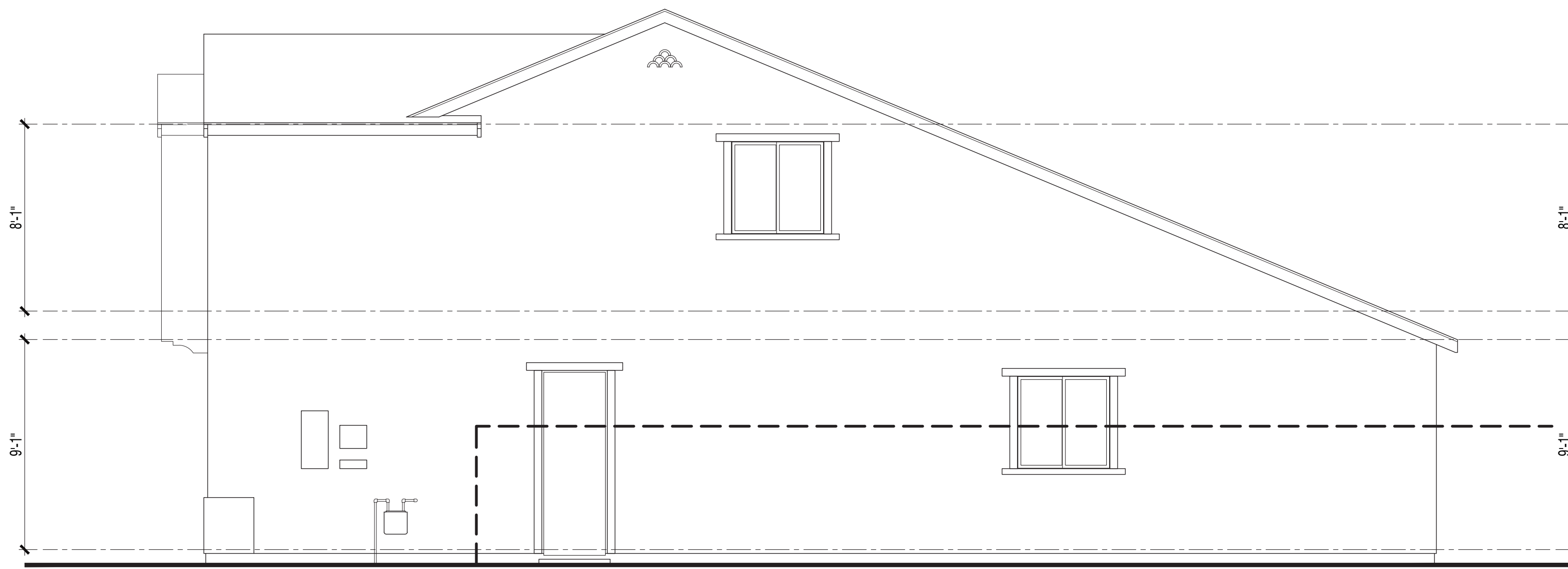
PLAN 2537 Front Elevations

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

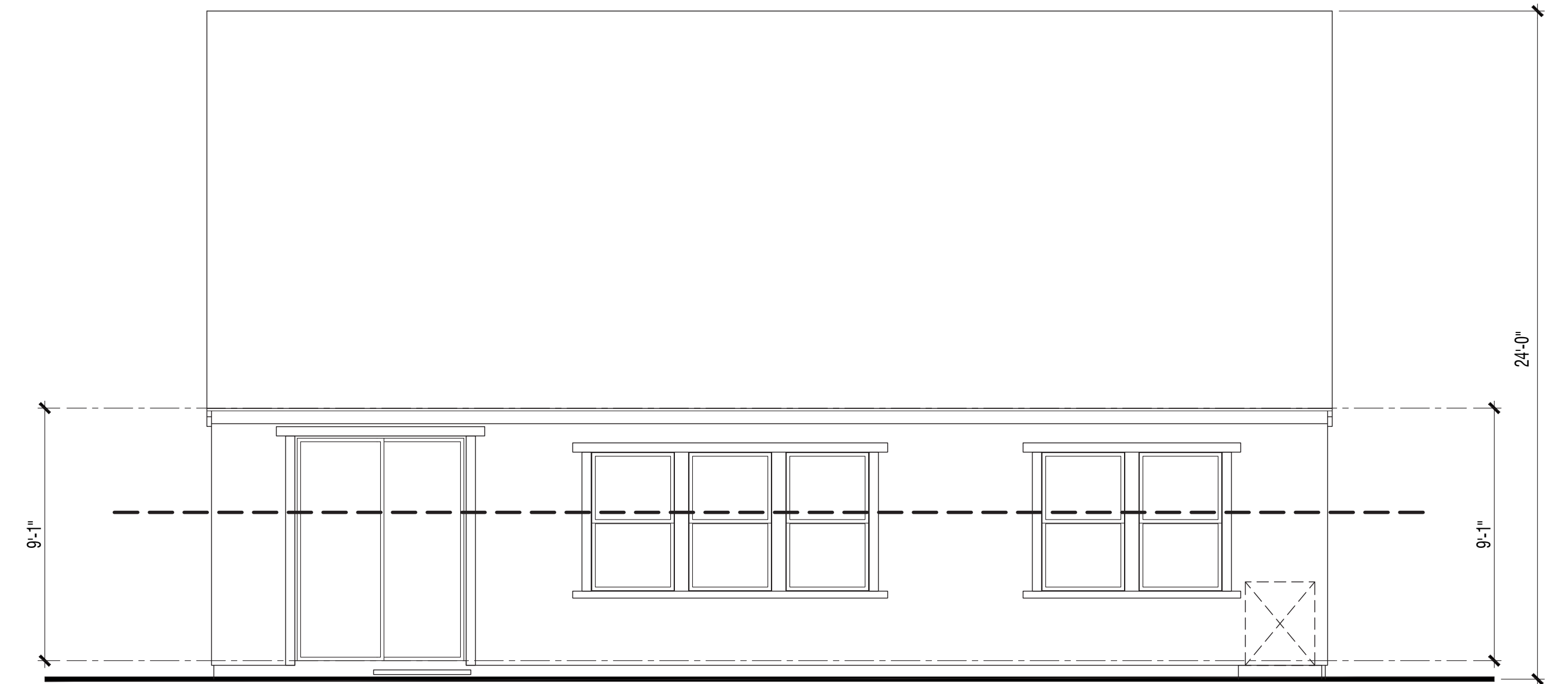


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

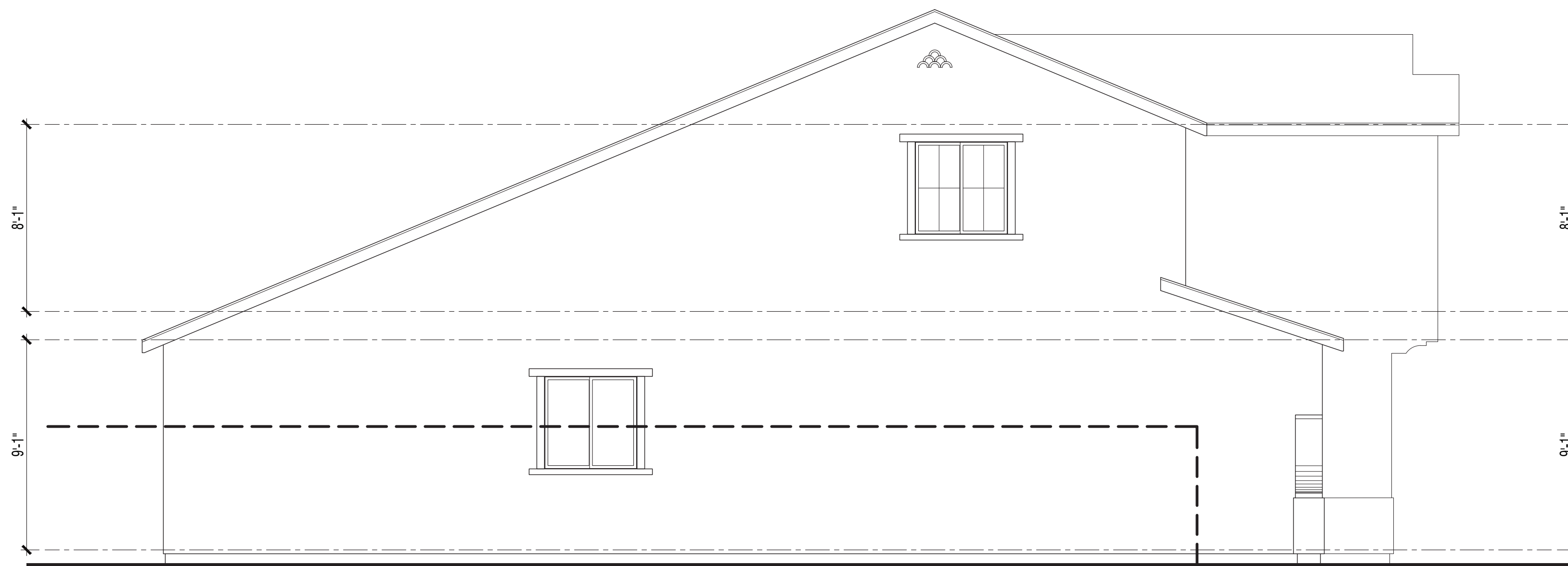
A6.3



Right Elevation



Rear Elevation



Left Elevation

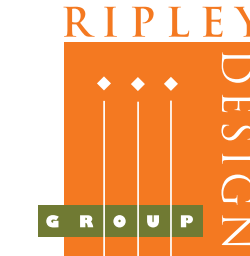


Front Elevation

PLAN 2537

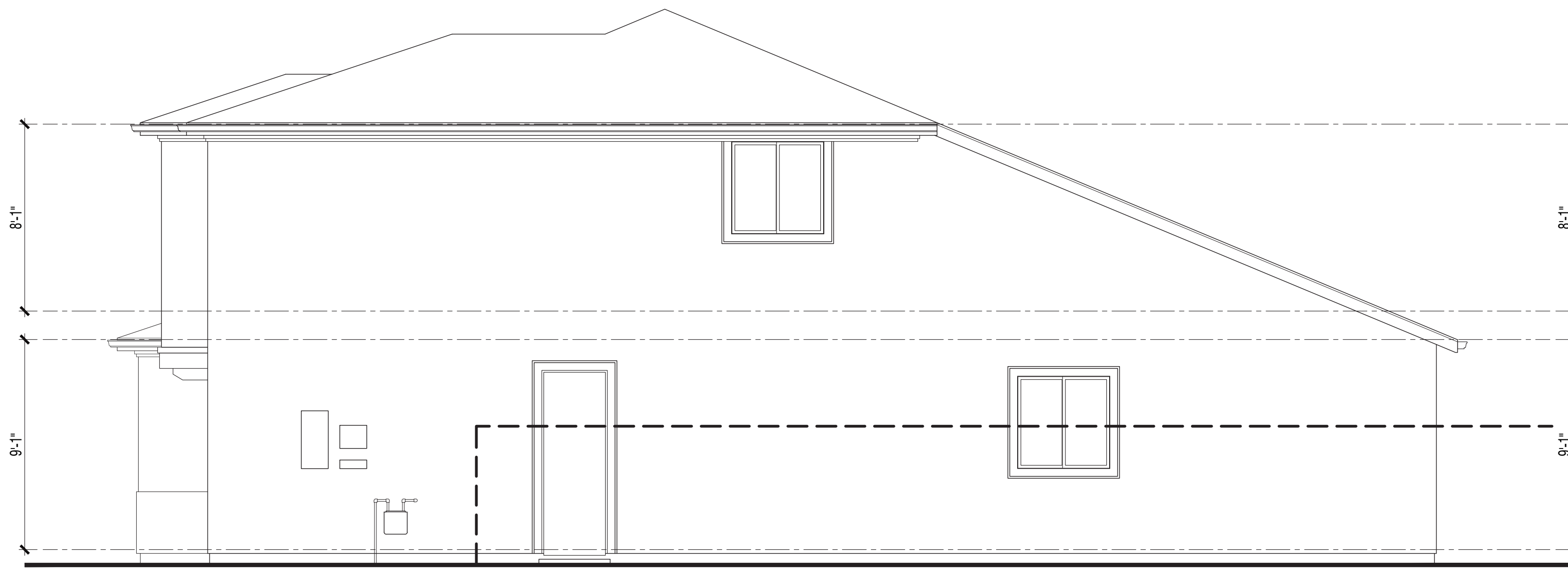
Spanish Elevations

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

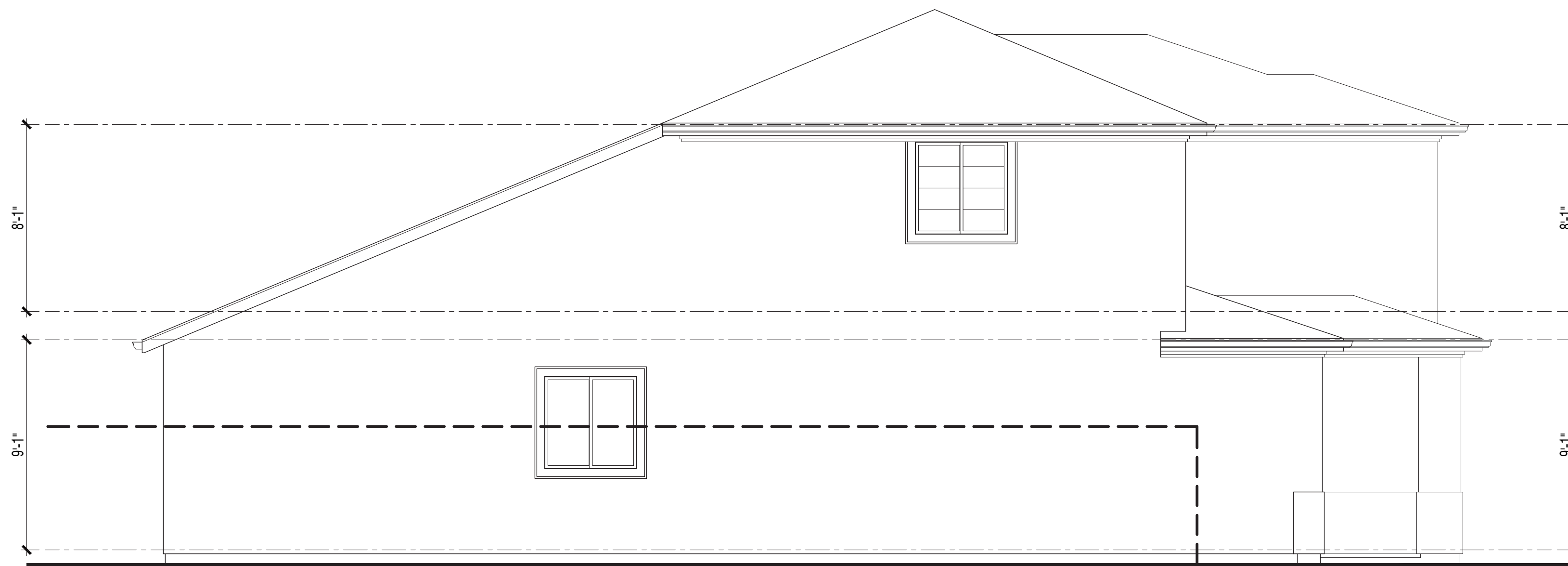
A6.4



Right Elevation



Rear Elevation



Left Elevation

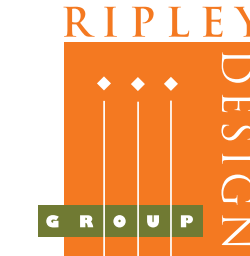


Front Elevation

PLAN 2537

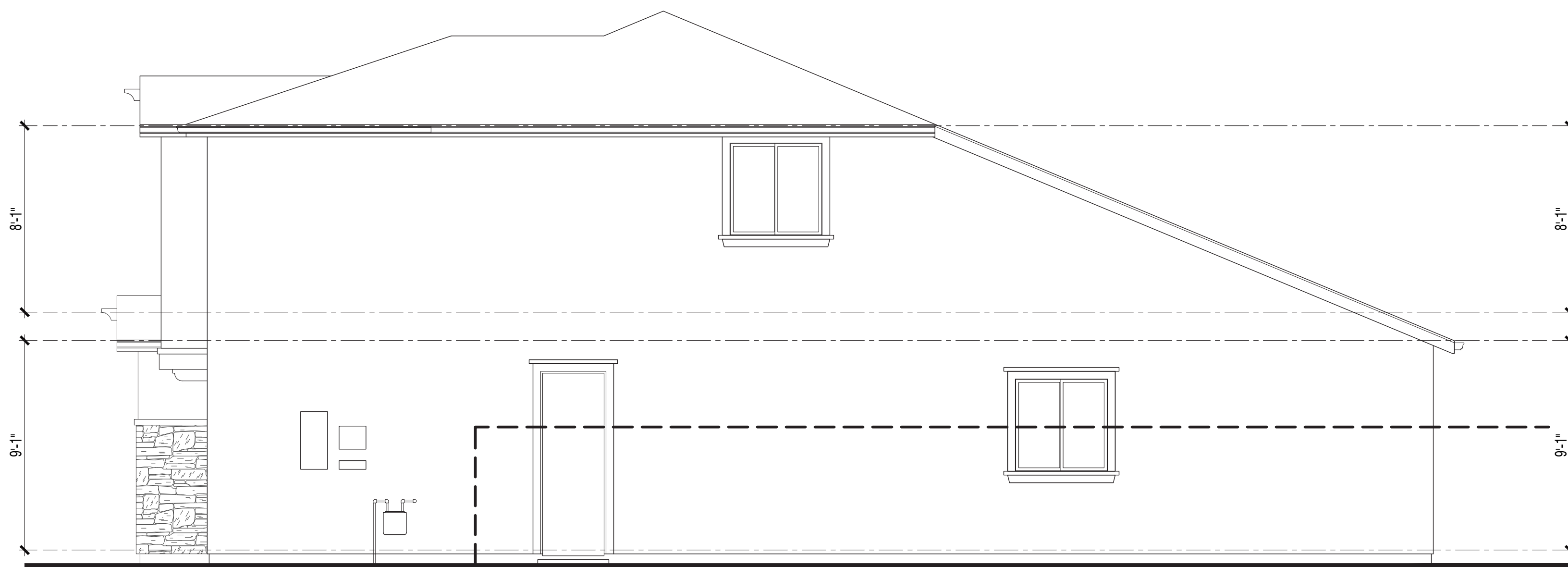
Italianate Elevations

NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

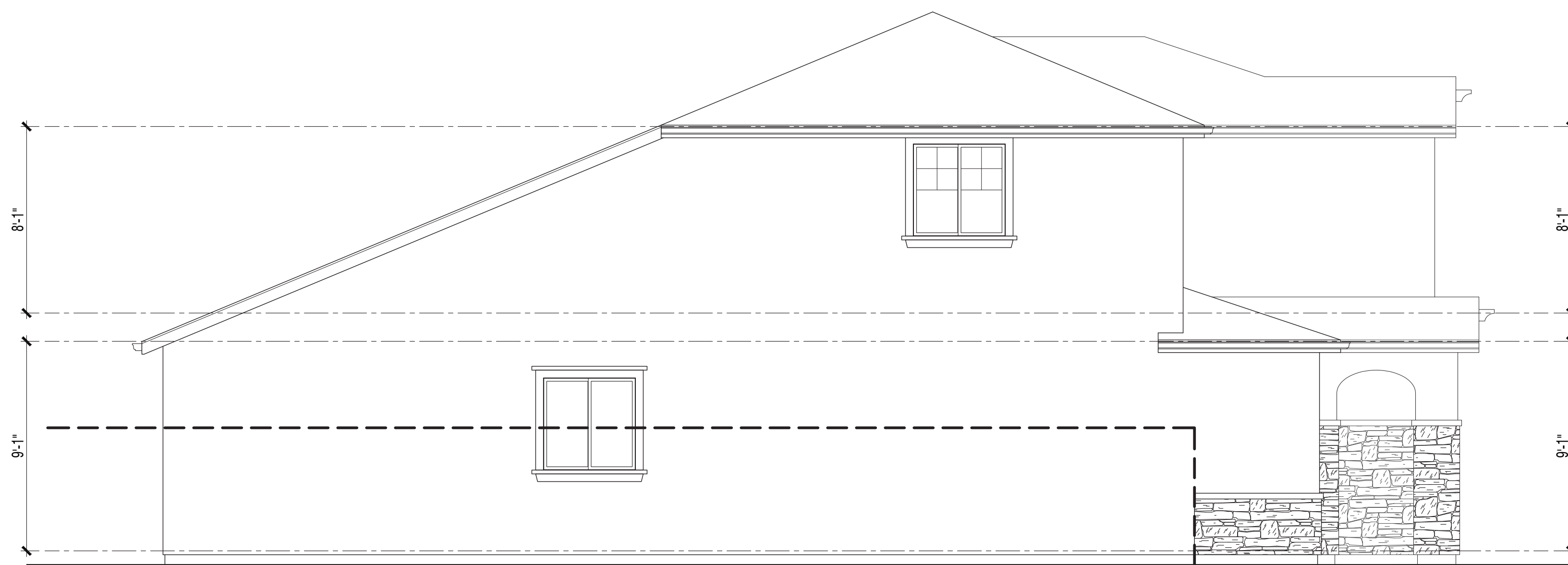
A6.5



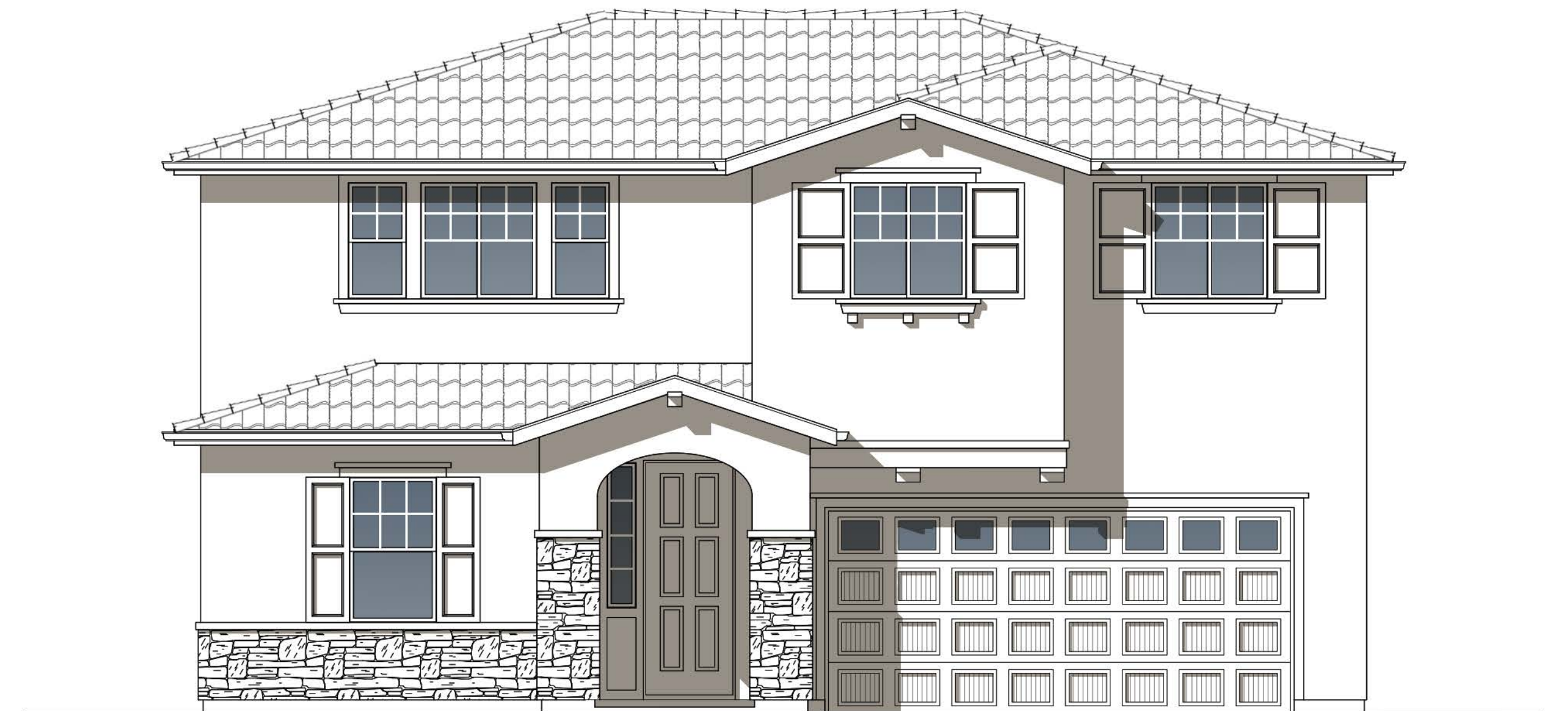
Right Elevation



Rear Elevation



Left Elevation



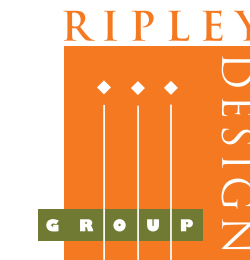
Front Elevation

PLAN 2537

Mediterranean Elevations

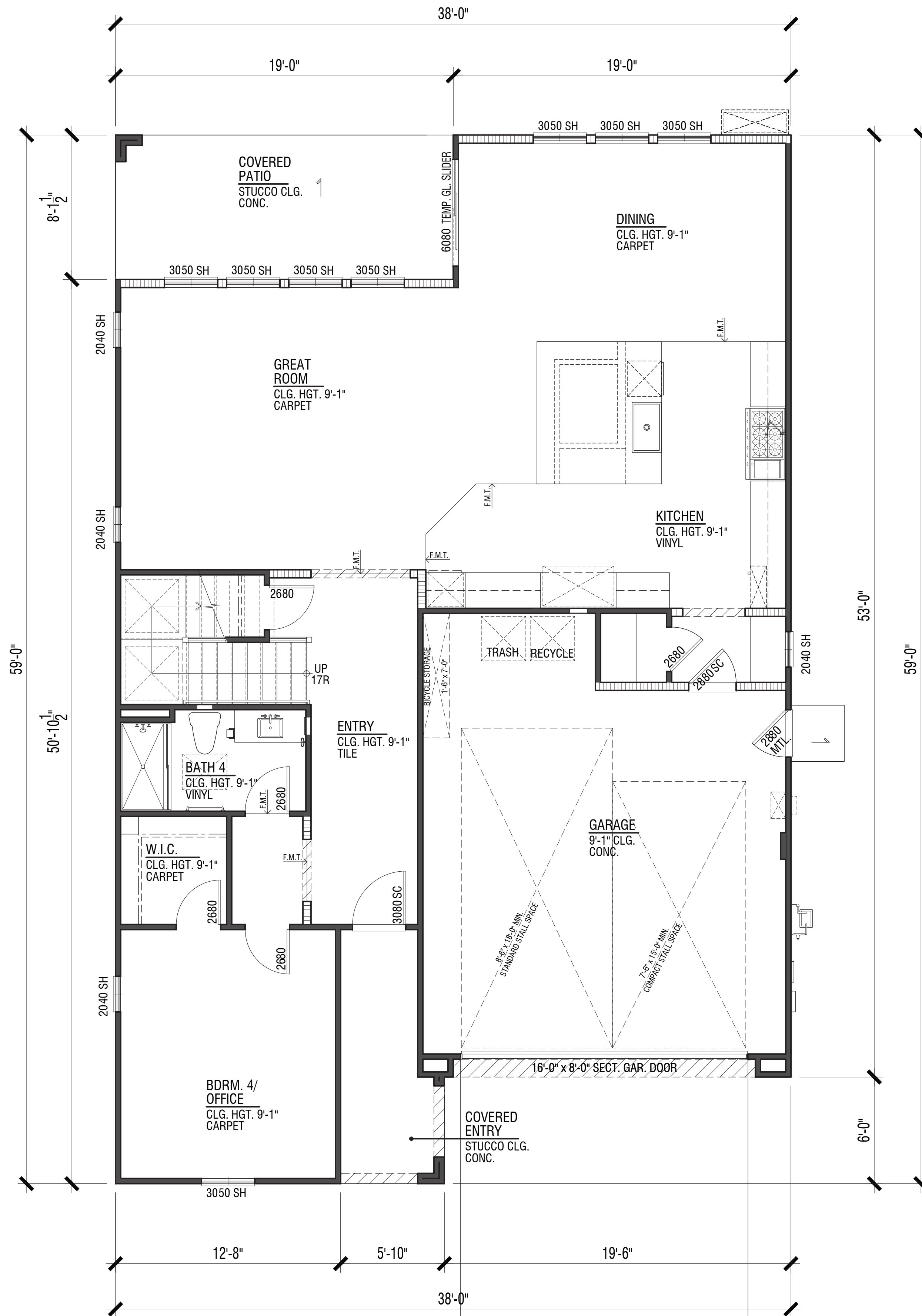
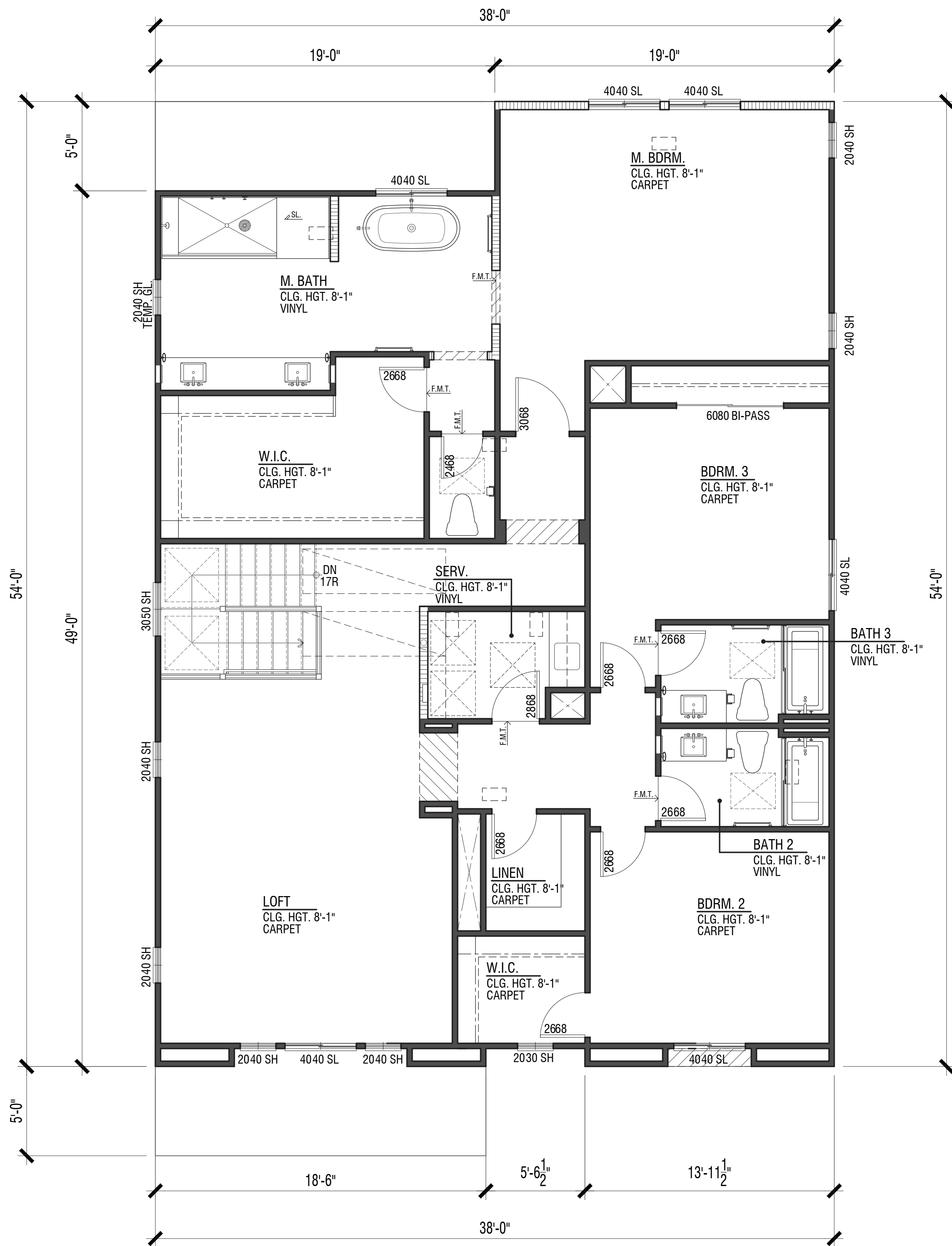
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A6.6



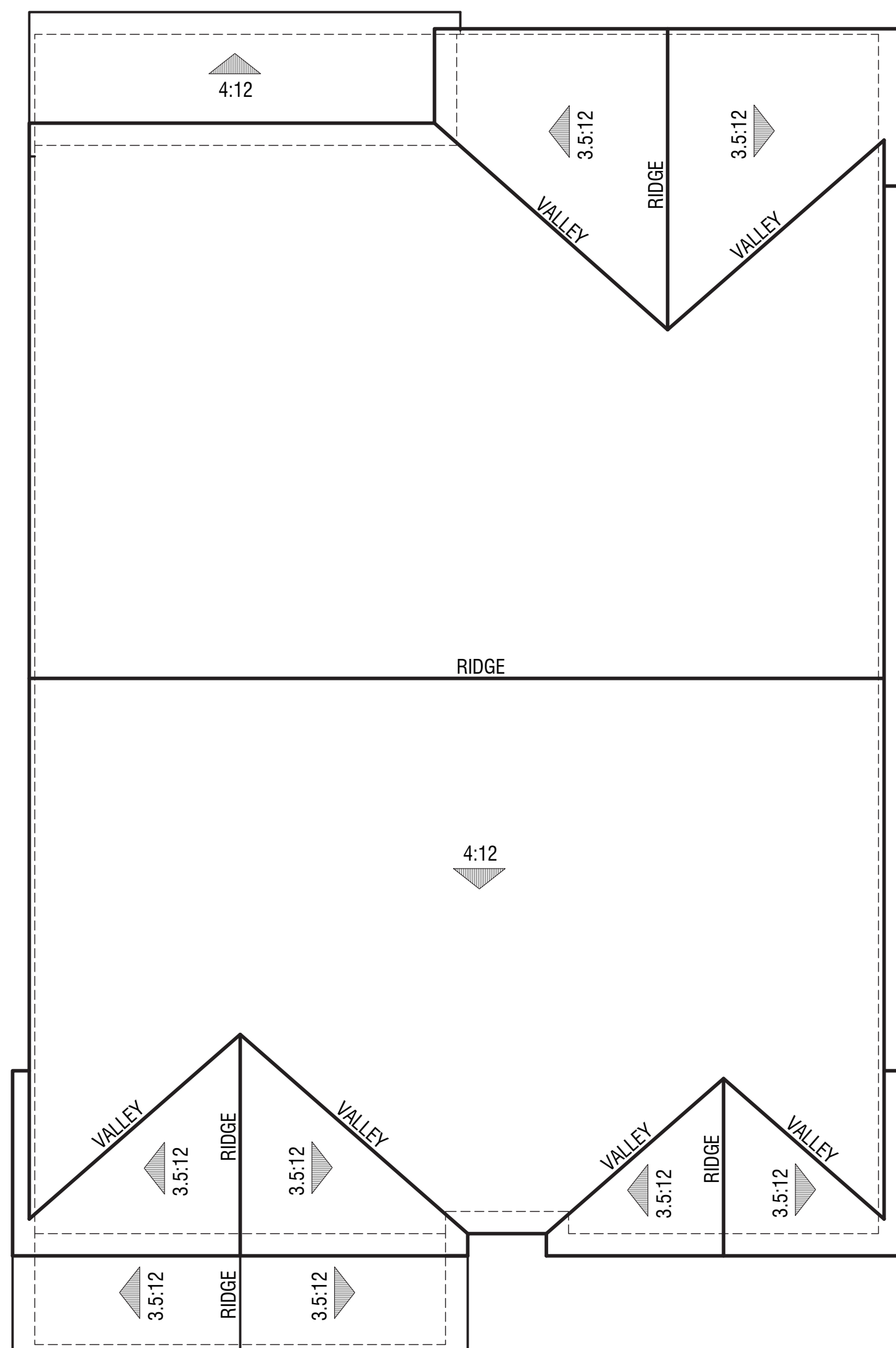
PLAN 3258
 3,258 SF
 4 Bdrm | 4 Bath | Loft
 2-Car Garage

NEW HORIZONS AT MORGAN HILL

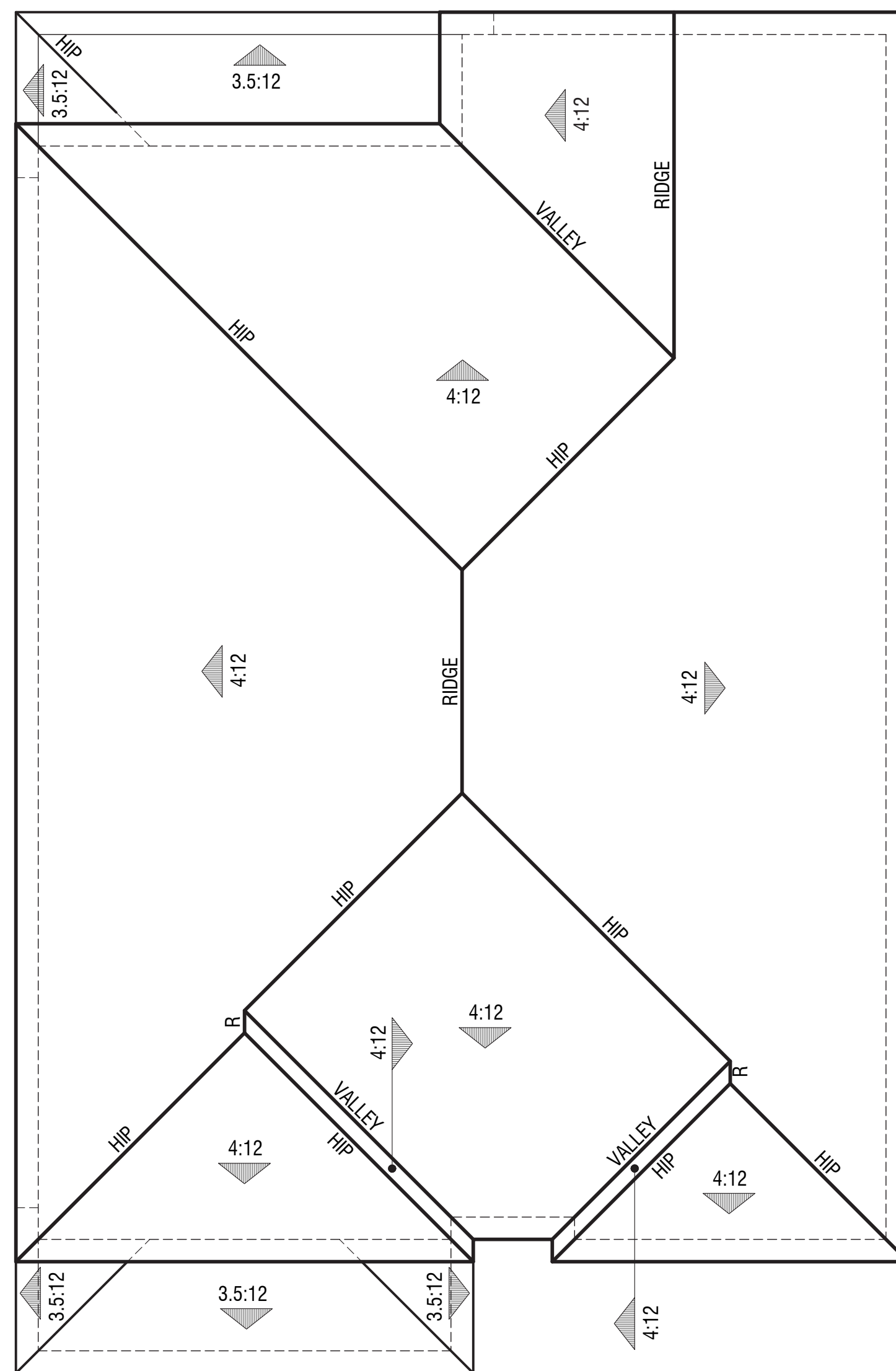
BY MORGAN HILL DEVCO, LLC

JOB NO. 202013-001
 DATE NOV. 2021
 SCALE AS SHOWN

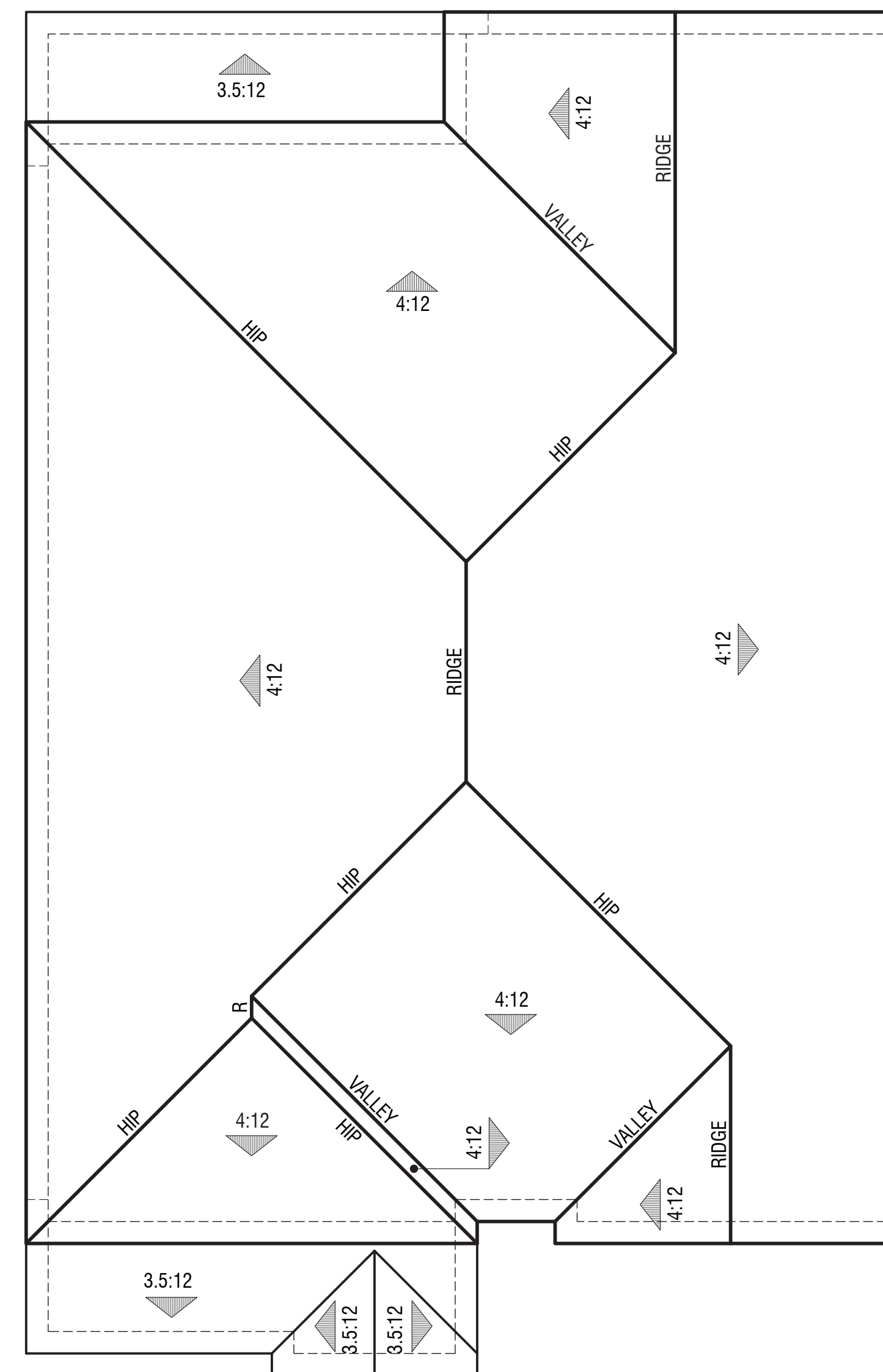
A7.1



Spanish Elevation



Italianate Elevation



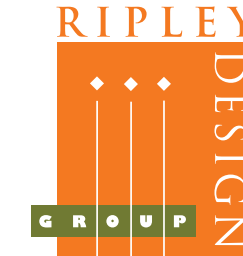
Mediterranean Elevation

PLAN 3258

Roof Plans

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

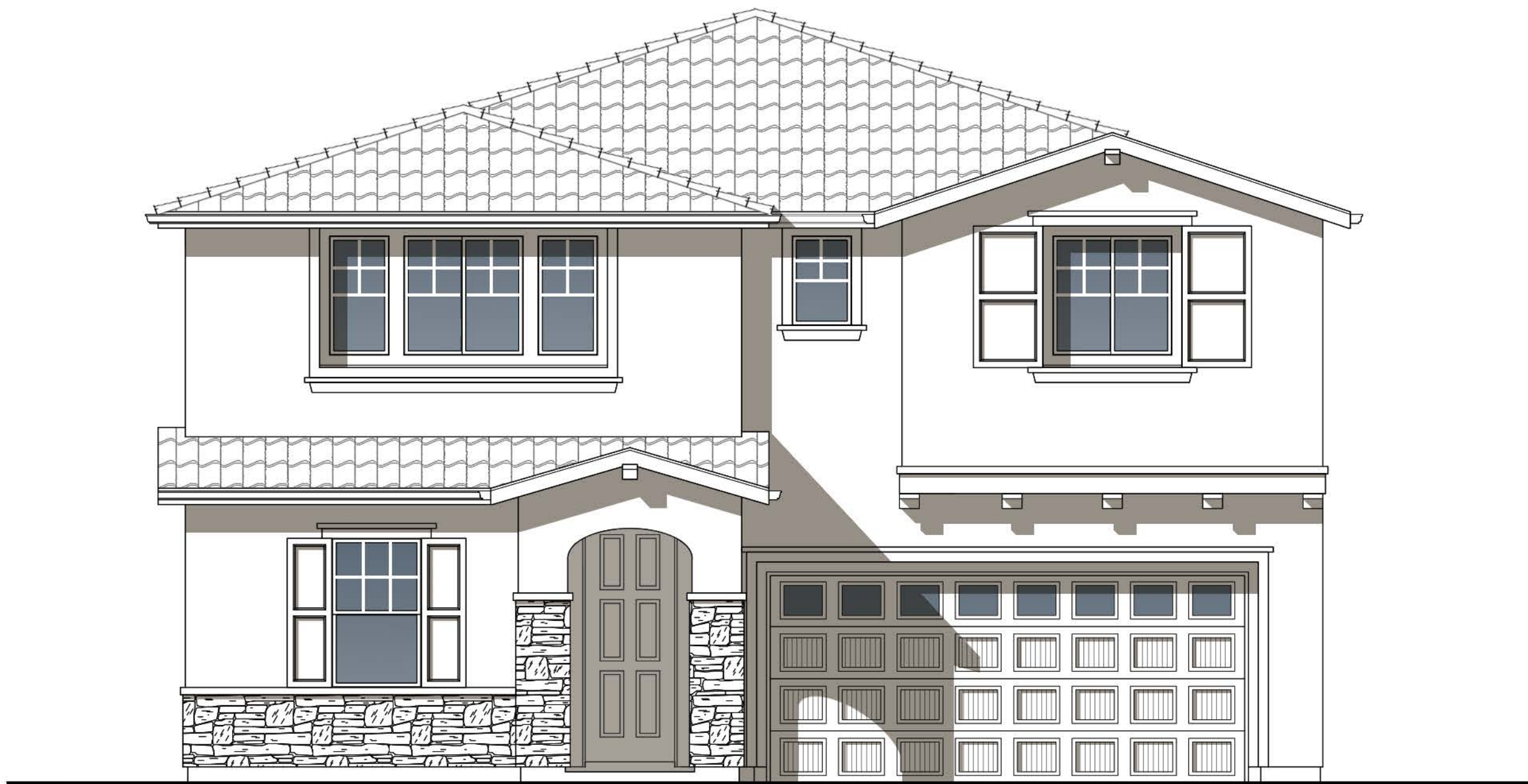
A7.2



Spanish Elevation



Italianate Elevation

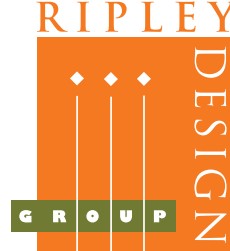


Mediterranean Elevation

PLAN 3258
Front Elevations

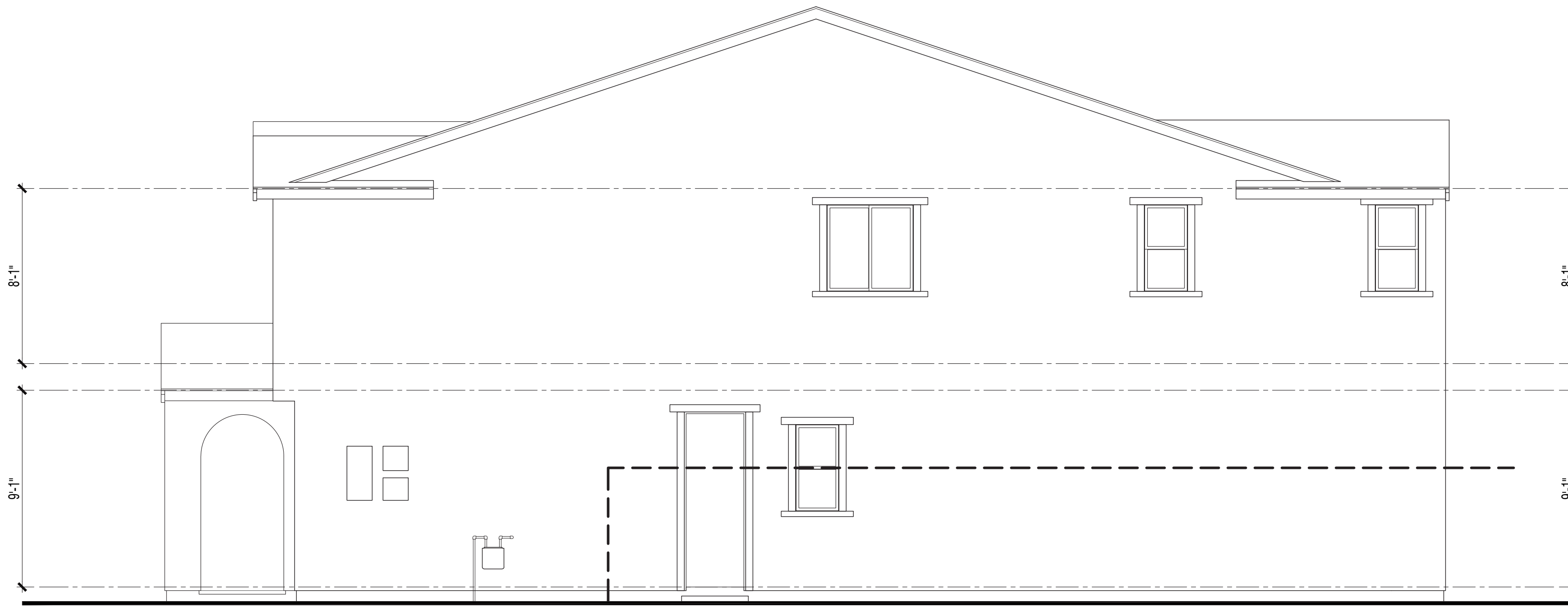
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

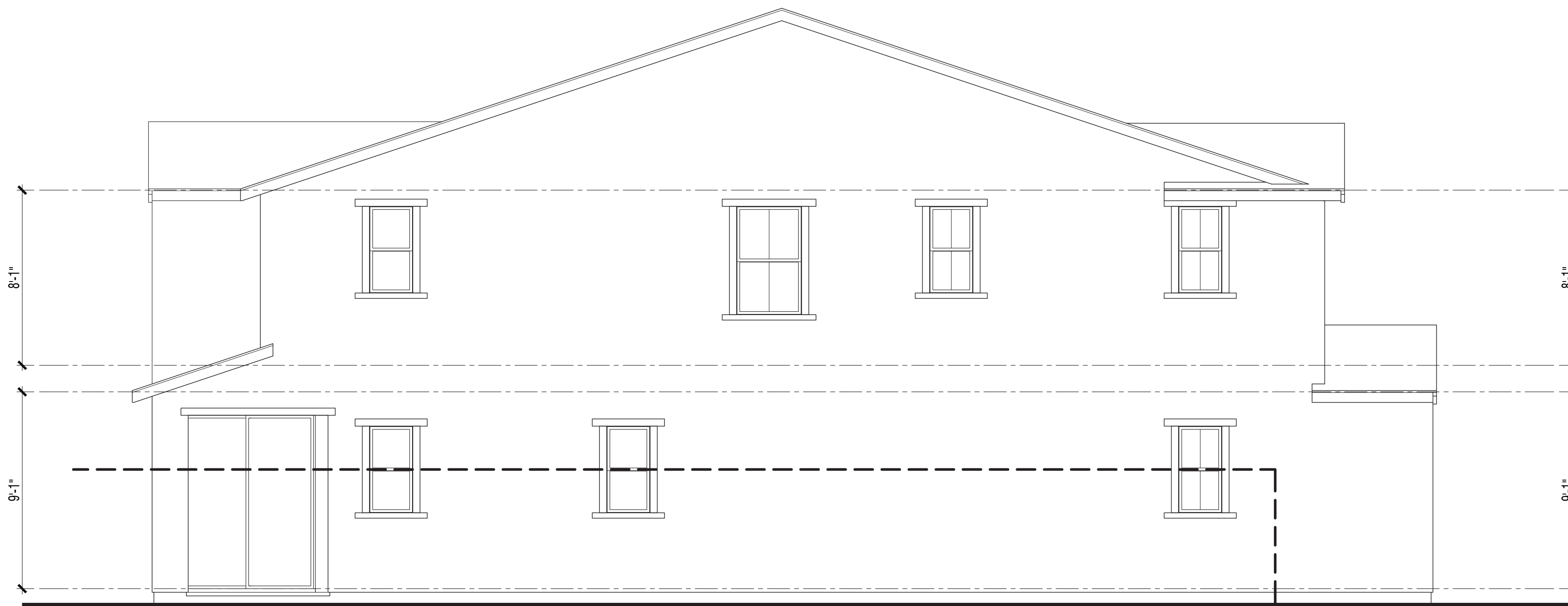
A7.3



Right Elevation



Rear Elevation



Left Elevation



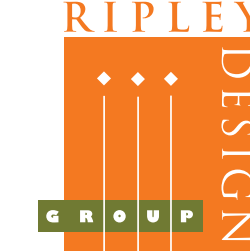
Front Elevation

PLAN 3258

Spanish Elevations

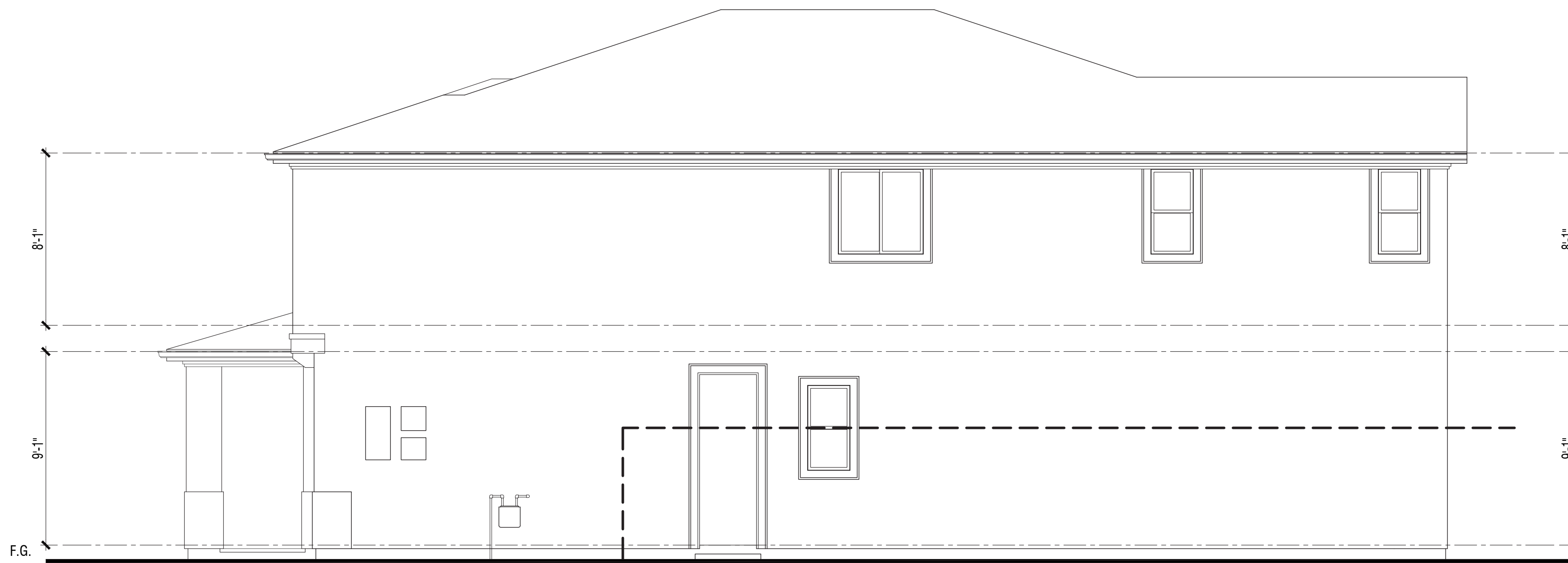
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

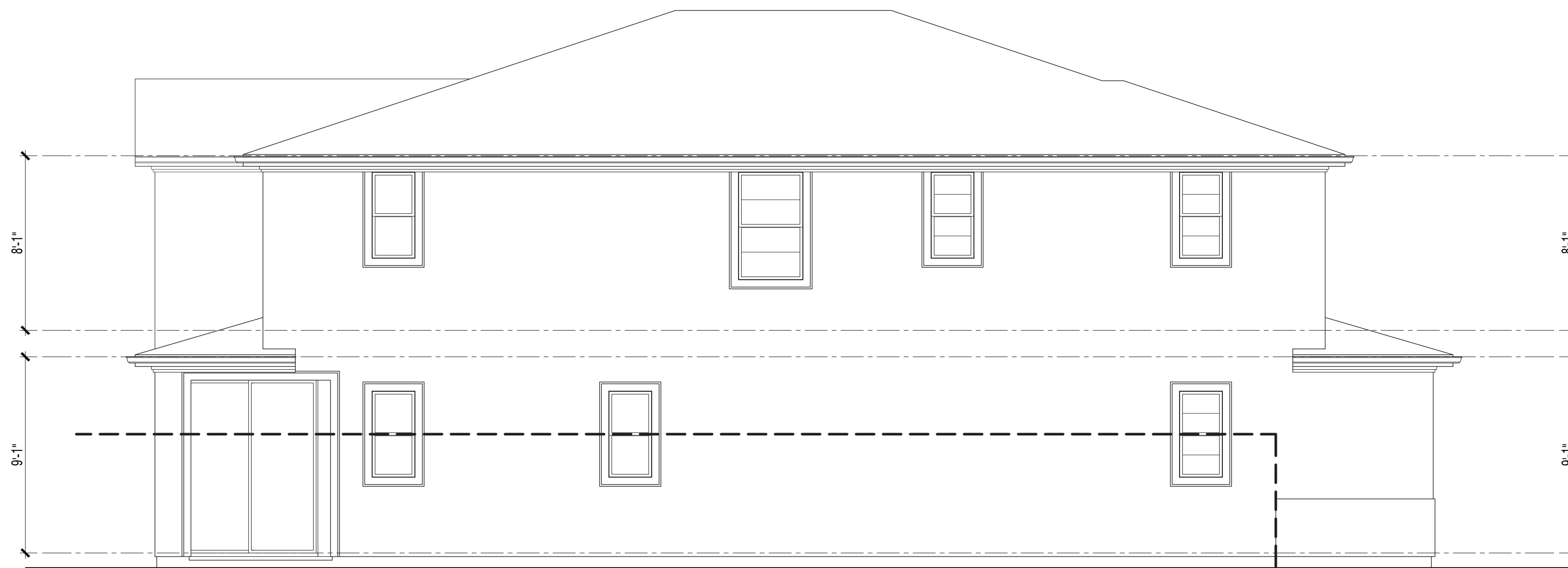
A7.4



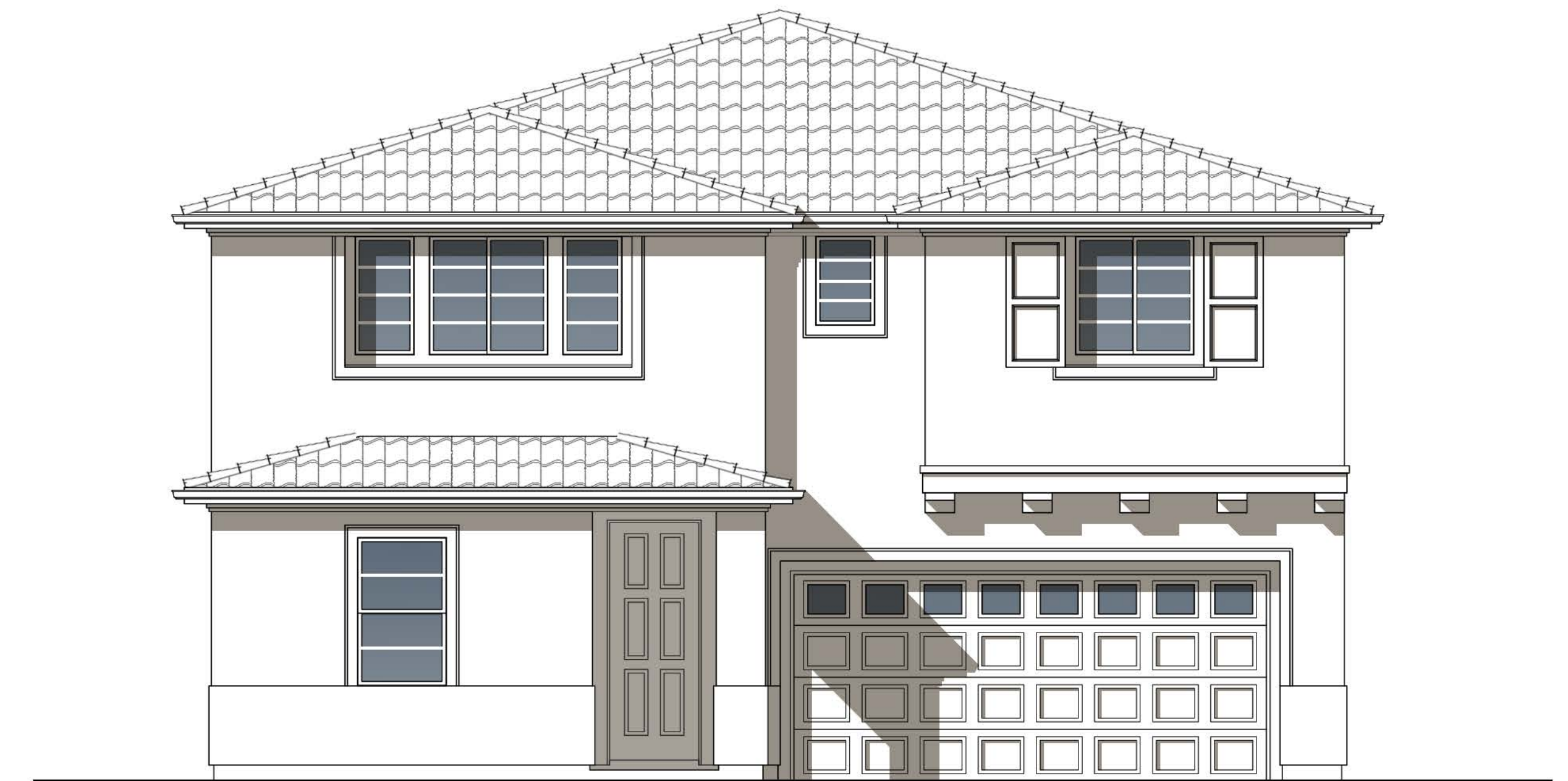
Right Elevation



Rear Elevation



Left Elevation



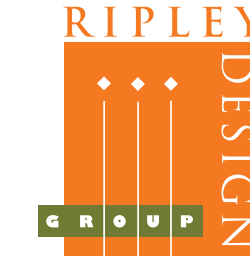
Front Elevation

PLAN 3258

Italianate Elevations

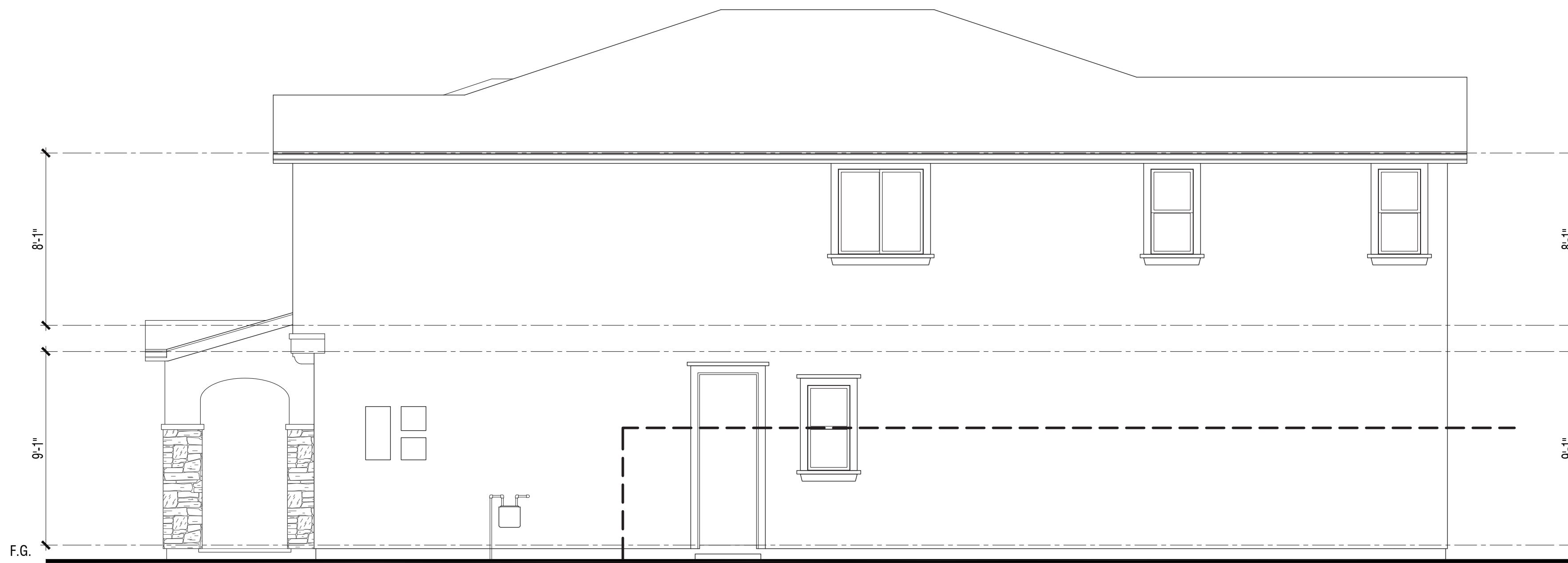
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

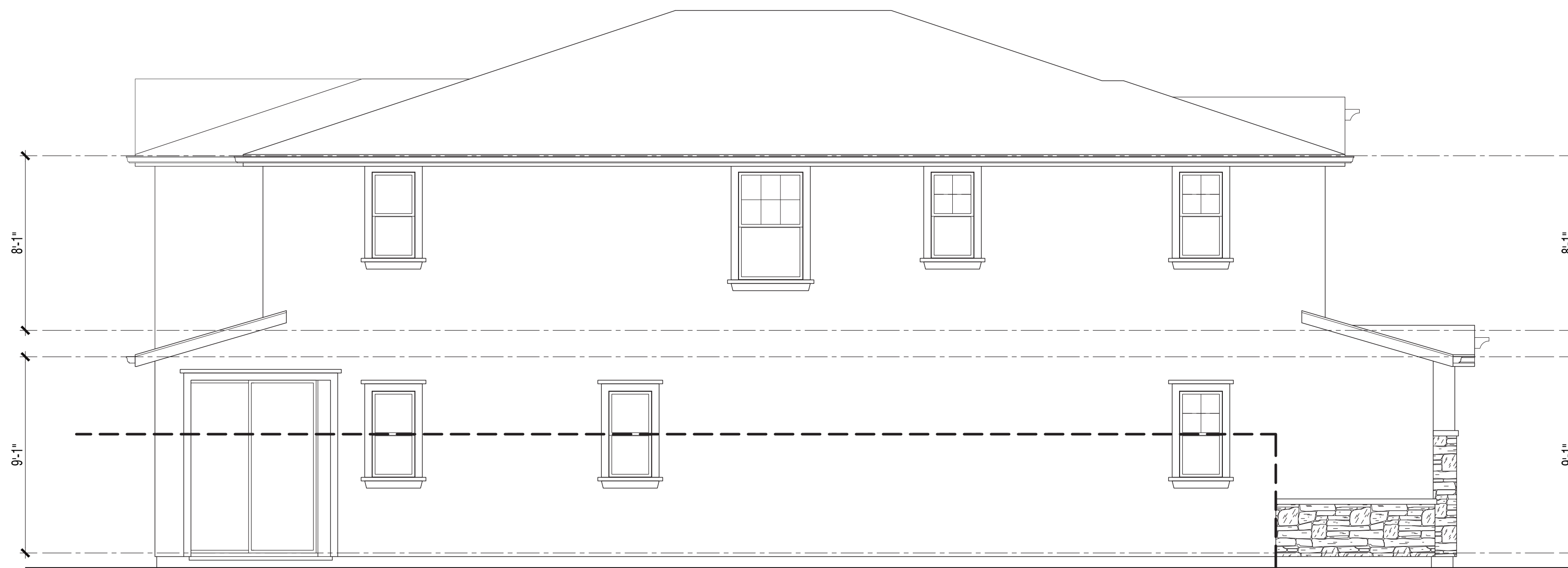
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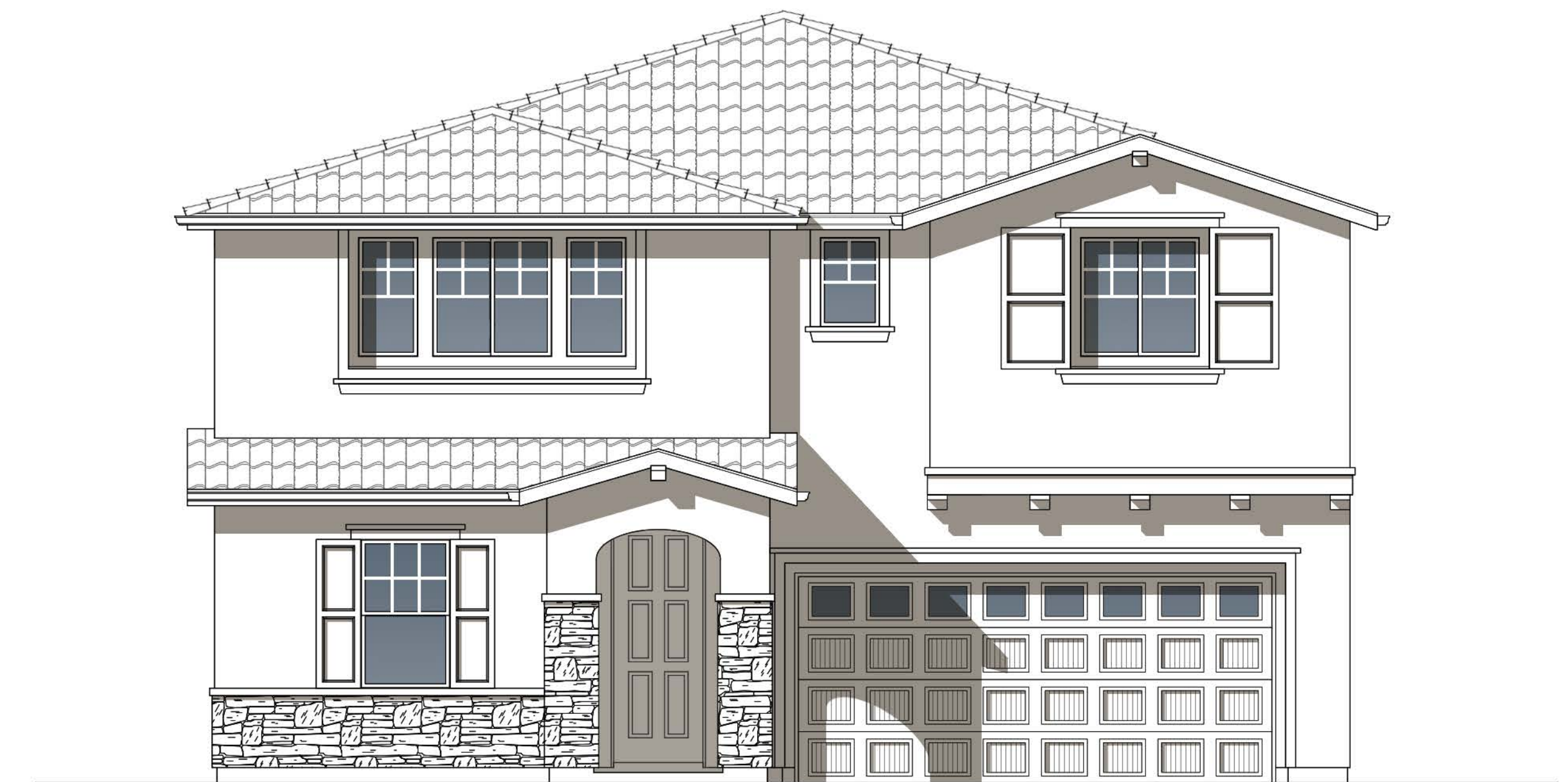
Right Elevation



Rear Elevation



Left Elevation



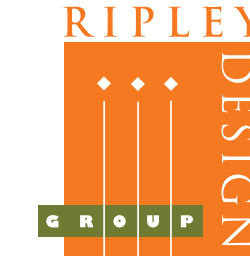
Front Elevation

PLAN 3258

Mediterranean Elevations

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A7.6

Spanish Elevations
Color Scheme 1A

ROOFING

FASCIA

STUCCO

GARAGE DOORS TRIM

SHUTTERS

PREFAB PIPES

FRONT DOOR

NEW HORIZONS

Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 1A
'A' Elevations Only
Spanish

WHA.

Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2605 San Benito Blend Ref: .20 Emi: .92 A.SRI: 21	Eagle
Gutters & Downspouts <i>(factory finish)</i>	Beaver Brown	Custom-Bilt Metals
Stucco <i>(lightface finish)</i>	SW 6142 Macadamia	Sherwin Williams
Trim Color #1 <i>(applied to):</i> Garage Doors Trim	SW 2823 Rookwood Clay	Sherwin Williams
Trim Color #2 <i>(applied to):</i> Fascia Front Door	SW 6090 Java	Sherwin Williams
Accent Color <i>(applied to):</i> Prefab Pipes @ Gables Shutters	SW 7705 Wheat Penny	Sherwin Williams
Decorative Metal <i>(if applicable)</i>	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact Corie Rath (925) 463-1700.

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Spanish Elevations
Color Scheme 2A

ROOFING

FASCIA

STUCCO

GARAGE DOORS TRIM

SHUTTERS

PREFAB PIPES

FRONT DOOR

NEW HORIZONS

Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 2A
'A' Elevations Only
Spanish

WHA.

Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2646 Sunset Blend Ref: .16 Emi: .94 A.SRI: 17	Eagle
Gutters & Downspouts <i>(factory finish)</i>	Beaver Brown	Custom-Bilt Metals
Stucco <i>(lightface finish)</i>	SW 7558 Medici Ivory	Sherwin Williams
Trim Color #1 <i>(applied to):</i> Garage Doors Trim	SW 6144 Dapper Tan	Sherwin Williams
Trim Color #2 <i>(applied to):</i> Fascia Front Door	SW 6083 Sable	Sherwin Williams
Accent Color <i>(applied to):</i> Shutters	SW 6181 Secret Garden	Sherwin Williams
Prefab Pipes @ Gables	SW 7705 Wheat Penny	Sherwin Williams
Decorative Metal <i>(if applicable)</i>	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact Corie Rath (925) 463-1700.

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Spanish Elevations
Color Scheme 4A

ROOFING

FASCIA

STUCCO

GARAGE DOORS TRIM

SHUTTERS

PREFAB PIPES

FRONT DOOR

NEW HORIZONS

Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 4A
'A' Elevations Only
Spanish

WHA.

Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2680 Los Padres Blend Ref: .24 Emi: .91 A.SRI: 25	Eagle
Gutters & Downspouts <i>(factory finish)</i>	Woodbeige	Custom-Bilt Metals
Stucco <i>(lightface finish)</i>	SW 7005 Pure White	Sherwin Williams
Trim Color #1 <i>(applied to):</i> Garage Doors Trim	SW 7038 Tony Taupe	Sherwin Williams
Trim Color #2 <i>(applied to):</i> Fascia Front Door	SW 7525 Tree Branch	Sherwin Williams
Accent Color <i>(applied to):</i> Shutters	SW 6223 Still Water	Sherwin Williams
Prefab Pipes @ Gables	SW 7705 Wheat Penny	Sherwin Williams
Decorative Metal <i>(if applicable)</i>	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact Corie Rath (925) 463-1700.

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Spanish Elevations
Color Scheme 6A

ROOFING

FASCIA

STUCCO

GARAGE DOORS TRIM

SHUTTERS

PREFAB PIPES

FRONT DOOR

NEW HORIZONS

Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 6A
'A' Elevations Only
Spanish

WHA.

Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2555 Alhambra Ref: .22 Emi: .89 A.SRI: 22	Eagle
Gutters & Downspouts <i>(factory finish)</i>	Beaver Brown	Custom-Bilt Metals
Stucco <i>(lightface finish)</i>	SW 6141 Softer Tan	Sherwin Williams
Trim Color #1 <i>(applied to):</i> Garage Doors Trim	SW 6124 Cardboard	Sherwin Williams
Trim Color #2 <i>(applied to):</i> Fascia Front Door	SW 6104 Kaffee	Sherwin Williams
Accent Color <i>(applied to):</i> Shutters	SW 6215 Rocky River	Sherwin Williams
Prefab Pipes @ Gables	SW 7705 Wheat Penny	Sherwin Williams
Decorative Metal <i>(if applicable)</i>	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

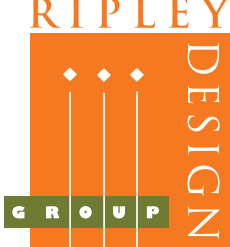
NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact Corie Rath (925) 463-1700.

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Exterior Color & Materials

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A8.1

Italianate Elevations
Color Scheme 1BH

Italianate Elevations
Color Scheme 2BH

Italianate Elevations
Color Scheme 5BH

Italianate Elevations
Color Scheme 6BH

ROOFING

FASCIA

STUCCO

GARAGE DOORS

TRIM

FRONT DOOR SHUTTERS

NEW HORIZONS

Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 1BH
"B" Elevations Only
Italianate

WHA.

For exact color refer to manufacturer actual samples.
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SCHEME 1BH

'B' ELEVATIONS ONLY, ITALIANATE

Material		Color	Manufacturer
Roofing: Low Profile Concrete Tile		2702 Calabar Blend Ref: .18 Emi: .88 A.SRI: 20	Eagle
Gutters & Downspouts <i>(factory finish)</i>		Bronze	Custom-Bilt Metals
Stucco <i>(lightlace finish)</i>		SW 7696 Toasted Pine Nut	Sherwin Williams
Trim Color <i>(applied to):</i> Fascia Garage Doors Trim		SW 7040 Smokehouse	Sherwin Williams
Accent Color <i>(applied to):</i> Front Door Shutters		SW 6167 Garden Gate	Sherwin Williams
Decorative Metal <i>(if applicable)</i>		SW 7020 Black Fox	Sherwin Williams
Garage Man Door		Match Stucco Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact Corie Rath (925) 463-1700.

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ROOFING

FASCIA

STUCCO

GARAGE DOORS

TRIM

FRONT DOOR SHUTTERS

NEW HORIZONS

Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 2BH
"B" Elevations Only
Italianate

WHA.

For exact color refer to manufacturer actual samples.
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SCHEME 2BH		'B' ELEVATIONS ONLY, ITALIANATE	
Material		Color	Manufacturer
Roofing: Low Profile Concrete Tile		2646 Sunset Blend Ref: .16 Emi: .94 A.SRI: 17	Eagle
Gutters & Downspouts (factory finish)		Beaver Brown	Custom-Bilt Metals
Stucco (lightlace finish)		SW 7714 Oak Barrel	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim		SW 6104 Kaffee	Sherwin Williams
Accent Color (applied to): Front Door Shutters		SW 6068 Brevity Brown	Sherwin Williams
Decorative Metal (if applicable)		SW 7020 Black Fox	Sherwin Williams
Garage Man Door		Match Stucco Color	Sherwin Williams
NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.			
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ROOFING

FASCIA

STUCCO

TRIM

FRONT DOOR SHUTTERS

GARAGE DOORS

NEW HORIZONS

Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 5BH
"B" Elevations Only
Italianate

WHA.

For exact color refer to manufacturer actual samples.
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SCHEME 5BH			'B' ELEVATIONS ONLY, ITALIANATE		
Material		Color	Manufacturer		
Roofing: Low Profile Concrete Tile		2702 Calabar Blend Ref: .18 Emi: .88 A.SRI: 20	Eagle		
Gutters & Downspouts (factory finish)		Beaver Brown	Custom-Bilt Metals		
Stucco (lightlace finish)		SW 7695 Mesa Tan	Sherwin Williams		
Trim Color #1 (applied to): Trim		SW 6127 Ivoire	Sherwin Williams		
Trim Color #2 (applied to): Fascia Front Door Shutters		SW 6089 Grounded	Sherwin Williams		
Trim Color #3 (applied to): Garage Doors		SW 2823 Rookwood Clay	Sherwin Williams		
Decorative Metal (if applicable)		SW 7020 Black Fox	Sherwin Williams		
Garage Man Door		Match Stucco Color	Sherwin Williams		

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.

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ROOFING

FASCIA

STUCCO

TRIM

FRONT DOOR SHUTTERS

GARAGE DOORS

NEW HORIZONS

Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 6BH
"B" Elevations Only
Italianate

WHA.

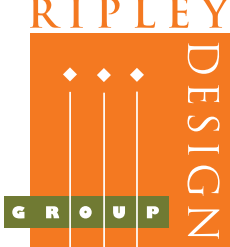
For exact color refer to manufacturer actual samples.
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SCHEME 6BH			'B' ELEVATIONS ONLY, ITALIANATE		
Material		Color	Manufacturer		
Roofing: Low Profile Concrete Tile		2773 Walnut Creek Blend Ref: .20 Emi: .94 A.SRI: 23	Eagle		
Gutters & Downspouts (factory finish)		Bronze	Custom-Bilt Metals		
Stucco (lightlace finish)		SW 6143 Basket Beige	Sherwin Williams		
Trim Color #1 (applied to): Trim		SW 6141 Softer Tan	Sherwin Williams		
Trim Color #2 (applied to): Fascia Front Door Shutters		SW 7040 Smokehouse	Sherwin Williams		
Trim Color #3 (applied to): Garage Doors		SW 2841 Weathered Shingle	Sherwin Williams		
Decorative Metal (if applicable)		SW 7020 Black Fox	Sherwin Williams		
Garage Man Door		Match Stucco Color	Sherwin Williams		
NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.					
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Exterior Color & Materials

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A8.2

Mediterranean Elevations
Color Scheme 1D

Mediterranean Elevations
Color Scheme 2D

Mediterranean Elevations
Color Scheme 4D

Mediterranean Elevations
Color Scheme 8D

Diagram showing color scheme 1D for Mediterranean elevations. The diagram includes labels for ROOFING, FASCIA, STUCCO, TRIM, GARAGE DOORS, FRONT DOOR SHUTTERS, and STONE. The color palette is defined by the following table:

Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2645 Sunrise Blend Ref: .18 Emi: .93 A.SRI: 22	Eagle
Gutters & Downspouts (factory finish)	Beaver Brown	Custom-Bilt Metals
Manufactured Stone (if applicable)	Orchard Cypress Ridge	Eldorado
Mortar @ Stone (standard raked joints)	Khaki	Orco
Stucco (lightface finish)	SW 6108 Latte	Sherwin Williams
Trim Color #1 (applied to): Trim	SW 6141 Softer Tan	Sherwin Williams
Trim Color #2 (applied to): Fascia Garage Doors	SW 6103 Tea Chest	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 6062 Vintage Leather	Sherwin Williams
Decorative Metal (if applicable)	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NEW HORIZONS
Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 1D
'C' Elevations Only
Mediterranean

WHA.
ARCHITECTS • PLANNERS • DESIGNERS
ORANGE COUNTY • LOS ANGELES • BAY AREA

For exact color refer to manufacturer actual samples.
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Diagram showing color scheme 2D for Mediterranean elevations. The diagram includes labels for ROOFING, FASCIA, STUCCO, TRIM, GARAGE DOORS, FRONT DOOR SHUTTERS, and STONE. The color palette is defined by the following table:

Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2680 Los Padres Blend Ref: .24 Emi: .91 A.SRI: 25	Eagle
Gutters & Downspouts (factory finish)	Bronze	Custom-Bilt Metals
Manufactured Stone (if applicable)	Montecito Cliffstone	Eldorado
Mortar @ Stone (standard raked joints)	Tan	Orco
Stucco (lightface finish)	SW 7689 Row House Tan	Sherwin Williams
Trim Color #1 (applied to): Trim	SW 7557 Summer White	Sherwin Williams
Trim Color #2 (applied to): Fascia Garage Doors	SW 6153 Protège Bronze	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 0045 Antiquarian Brown	Sherwin Williams
Decorative Metal (if applicable)	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NEW HORIZONS
Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 2D
'C' Elevations Only
Mediterranean

WHA.
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ORANGE COUNTY • LOS ANGELES • BAY AREA

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Diagram showing color scheme 4D for Mediterranean elevations. The diagram includes labels for ROOFING, FASCIA, STUCCO, TRIM, GARAGE DOORS, FRONT DOOR SHUTTERS, and STONE. The color palette is defined by the following table:

Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2773 Walnut Creek Blend Ref: .20 Emi: .94 A.SRI: 23	Eagle
Gutters & Downspouts (factory finish)	Beaver Brown	Custom-Bilt Metals
Manufactured Stone (if applicable)	Lantana Cliffstone	Eldorado
Mortar @ Stone (standard raked joints)	Khaki	Orco
Stucco (lightface finish)	SW 7714 Oak Barrel	Sherwin Williams
Trim Color #1 (applied to): Trim	SW 6112 Biscuit	Sherwin Williams
Trim Color #2 (applied to): Fascia Garage Doors	SW 7027 Hickory Smoke	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 6208 Pewter Green	Sherwin Williams
Decorative Metal (if applicable)	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NEW HORIZONS
Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 4D
'C' Elevations Only
Mediterranean

WHA.
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ORANGE COUNTY • LOS ANGELES • BAY AREA

For exact color refer to manufacturer actual samples.
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Diagram showing color scheme 8D for Mediterranean elevations. The diagram includes labels for ROOFING, FASCIA, STUCCO, TRIM, GARAGE DOORS, FRONT DOOR SHUTTERS, and STONE. The color palette is defined by the following table:

Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2702 Calabar Blend Ref: .18 Emi: .88 A.SRI: 20	Eagle
Gutters & Downspouts (factory finish)	Beaver Brown	Custom-Bilt Metals
Manufactured Stone (if applicable)	Polemo Country Rubble	Eldorado
Mortar @ Stone (standard raked joints)	Wheat	Orco
Stucco (lightface finish)	SW 7519 Mexican Sand	Sherwin Williams
Trim Color #1 (applied to): Trim	SW 7517 Rivers Edge	Sherwin Williams
Trim Color #2 (applied to): Fascia Garage Doors	SW 7520 Dark Brown	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 7076 Cyberspace	Sherwin Williams
Decorative Metal (if applicable)	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NEW HORIZONS
Morgan Hill, CA
D.R. HORTON
October 18, 2021 | 2021275

SCHEME 8D
'C' Elevations Only
Mediterranean

WHA.
ARCHITECTS • PLANNERS • DESIGNERS
ORANGE COUNTY • LOS ANGELES • BAY AREA

For exact color refer to manufacturer actual samples.
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SCHEME 1D 'C' ELEVATIONS ONLY, MEDITERRANEAN		
Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2645 Sunrise Blend Ref: .18 Emi: .93 A.SRI: 22	Eagle
Gutters & Downspouts (factory finish)	Beaver Brown	Custom-Bilt Metals
Manufactured Stone (if applicable)	Orchard Cypress Ridge	Eldorado
Mortar @ Stone (standard raked joints)	Khaki	Orco
Stucco (lightface finish)	SW 6108 Latte	Sherwin Williams
Trim Color #1 (applied to): Trim	SW 6141 Softer Tan	Sherwin Williams
Trim Color #2 (applied to): Fascia Garage Doors	SW 6103 Tea Chest	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 6062 Vintage Leather	Sherwin Williams
Decorative Metal (if applicable)	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.

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SCHEME 2D 'C' ELEVATIONS ONLY, MEDITERRANEAN		
Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2680 Los Padres Blend Ref: .24 Emi: .91 A.SRI: 25	Eagle
Gutters & Downspouts (factory finish)	Bronze	Custom-Bilt Metals
Manufactured Stone (if applicable)	Montecito Cliffstone	Eldorado
Mortar @ Stone (standard raked joints)	Tan	Orco
Stucco (lightface finish)	SW 7689 Row House Tan	Sherwin Williams
Trim Color #1 (applied to): Trim	SW 7557 Summer White	Sherwin Williams
Trim Color #2 (applied to): Fascia Garage Doors	SW 6153 Protège Bronze	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 0045 Antiquarian Brown	Sherwin Williams
Decorative Metal (if applicable)	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.

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SCHEME 4D 'C' ELEVATIONS ONLY, MEDITERRANEAN		
Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2773 Walnut Creek Blend Ref: .20 Emi: .94 A.SRI: 23	Eagle
Gutters & Downspouts (factory finish)	Beaver Brown	Custom-Bilt Metals
Manufactured Stone (if applicable)	Lantana Cliffstone	Eldorado
Mortar @ Stone (standard raked joints)	Khaki	Orco
Stucco (lightface finish)	SW 7714 Oak Barrel	Sherwin Williams
Trim Color #1 (applied to): Trim	SW 6112 Biscuit	Sherwin Williams
Trim Color #2 (applied to): Fascia Garage Doors	SW 7027 Hickory Smoke	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 6208 Pewter Green	Sherwin Williams
Decorative Metal (if applicable)	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.

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SCHEME 8D 'C' ELEVATIONS ONLY, MEDITERRANEAN		
Material	Color	Manufacturer
Roofing: Low Profile Concrete Tile	2702 Calabar Blend Ref: .18 Emi: .88 A.SRI: 20	Eagle
Gutters & Downspouts (factory finish)	Beaver Brown	Custom-Bilt Metals
Manufactured Stone (if applicable)	Polemo Country Rubble	Eldorado
Mortar @ Stone (standard raked joints)	Wheat	Orco
Stucco (lightface finish)	SW 7519 Mexican Sand	Sherwin Williams
Trim Color #1 (applied to): Trim	SW 7517 Rivers Edge	Sherwin Williams
Trim Color #2 (applied to): Fascia Garage Doors	SW 7520 Dark Brown	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 7076 Cyberspace	Sherwin Williams
Decorative Metal (if applicable)	SW 7020 Black Fox	Sherwin Williams
Garage Man Door	Match Stucco Color	Sherwin Williams

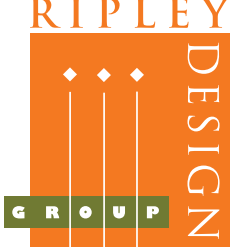
NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.

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Exterior Color & Materials

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN

A8.3

COMMUNITY CLUBHOUSE

1. Adult fitness stations, by Kompan
2. Swimming pool
3. Pool deck overlooking park
4. Amazon hub
5. Lending Library

CLUSTER MAILBOX STATION

1. Arbor
2. Bench
3. Pet Waste Station

CLUSTER MAILBOX STATION

1. Arbor
2. Bench
3. Pet Waste Station

ADA ACCESSIBLE PARKING

ACCESS TO JACKSON SCHOOL

JACKSON SCHOOL

JACKSON PARK IMPROVEMENTS

1. Existing Playground to remain
2. New Playground Hardscape
3. Storm Water Retention

LARGE DOG PARK

1. Benches
2. Perimeter fence
3. Gated entry

SMALL DOG PARK

1. Benches
2. Perimeter fence
3. Gated entry

AMPHITHEATER

1. Terraced Concrete Seat Walls
2. Stage

CLUSTER MAILBOX STATION

1. Arbor
2. Bench
3. Pet Waste Station

OPEN LAWN AREA

1. Open play lawn area
2. Storm water detention area

BICYCLE / PEDESTRIAN BRIDGE

CLUSTER MAILBOX STATION

1. Arbor
2. Bench
3. Pet Waste Station

NEW HORIZONS TRAIL OPEN SPACE

1. Meandering trail
2. Benches
3. Storm Water Detention Area

CLUSTER MAILBOX STATION

1. Arbor
2. Bench
3. Pet Waste Station

LEGEND

50x100 LOTS
60x100 LOTS
70X100 LOTS
SENIOR COTTAGES
SENIOR CONDOS

SENIOR LIVING AMENITIES

1. Trellis with Tables
2. Garden

PLAYGROUND

1. Fenced
2. Benches
3. Shade Sails
4. Kompan Play Equipment

COMMUNITY PARK

1. Open Lawn Areas
2. Benches
3. Community Event Areas

ROUNDBOUT

1. Speciman Oak Tree Planting
2. Traffic calming / Slower traffic

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

PARKS, OPEN SPACE AND TRAILS EXHIBIT



JOB NO. 202013-001
DATE 3/15/2023
SCALE AS SHOWN

L-1

ZA2021-0001



ENTRY PLAZA

- 1. Benches
- 2. Enhanced paving
- 3. Amazon Hub Box
- 4. Neighborhood Library Box

NEW HORIZONS TRAIL

SENIOR COTTAGES

ADULT FITNESS AREA

- 1. Outdoor Fitness Equipment by Kompan
- 2. Benches
- 3. Shade Sails

COVERED POOL LOUNGE

SENIOR LIVING AMENITIES

- 1. Outdoor Courtyard
- 2. Outdoor Tables & Benches
- 3. Outdoor Shade Arbors

COMMUNITY ENTRY PLAZA

- 1. Trellis
- 2. Benches
- 3. Monument Sign

PARKS & RECREATION

COMMUNITY ENTRY AND PARK EXHIBIT

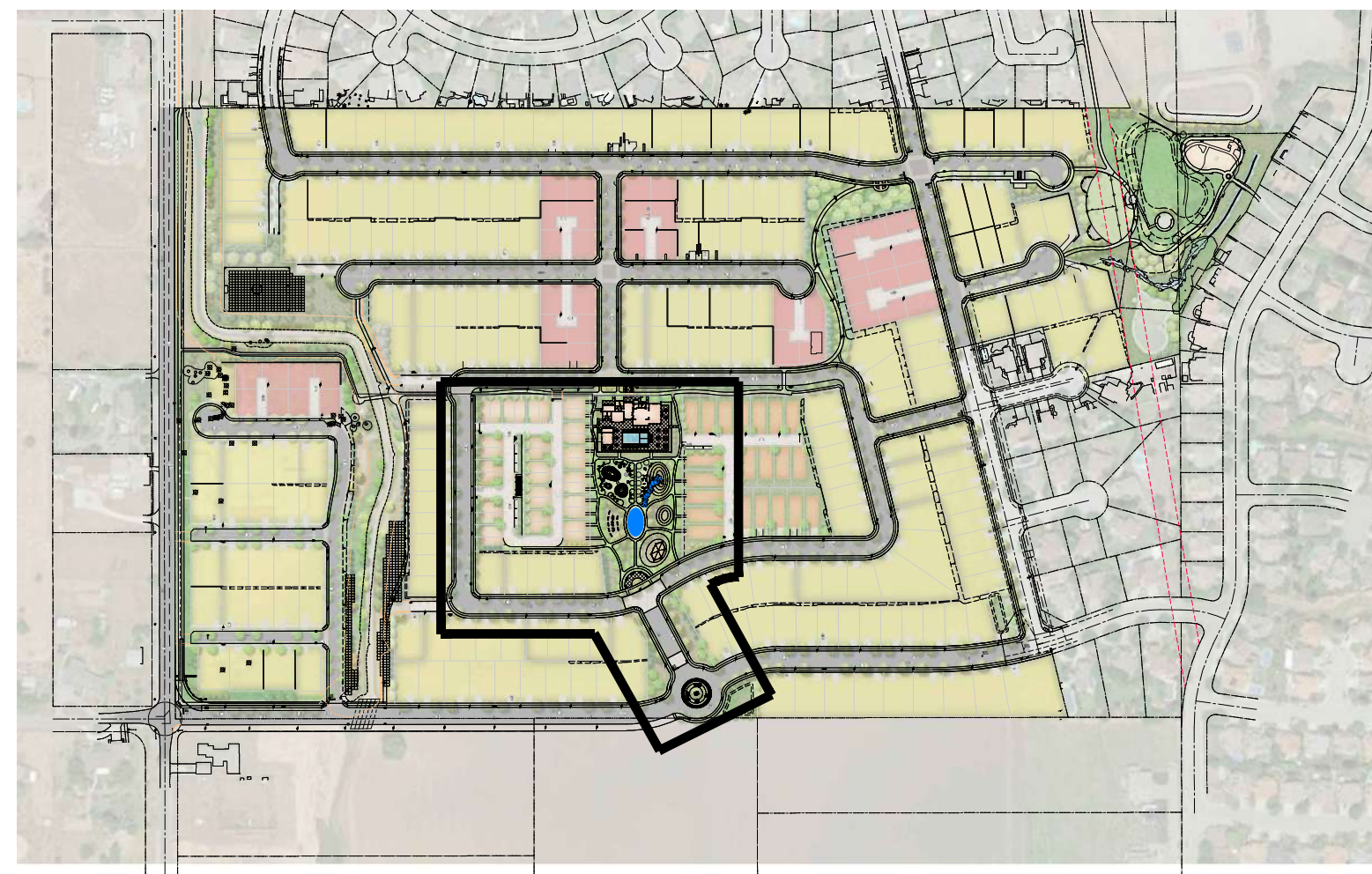
PLAYGROUND

- 1. Artificial Turf Mounds
- 2. Twig Benches
- 3. Kompan Play Equipment

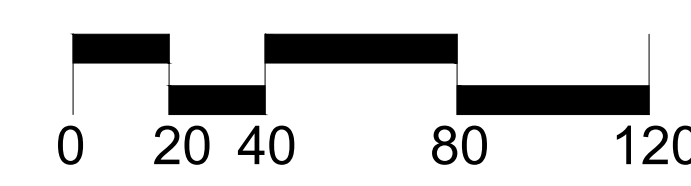
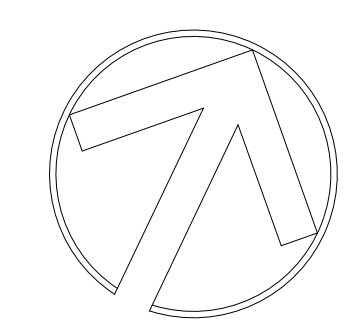
TRAIL AROUND PARK

TRAFFIC CIRCLE

- 1. Specimen Oak Tree Planting
- 2. Landscaped Berm with boulders
- 3. Traffic calming / Community Entrance

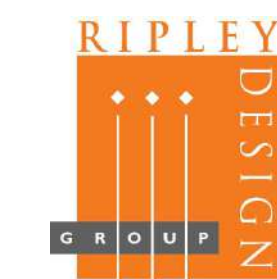


NEW HORIZONS TRAIL MAP
SCALE: NTS



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/15/2023
SCALE AS SHOWN

L-2A
ZA2021-0001

ENTRY PLAZA
1. Benches
2. Enhanced paving

AMAZON HUB BOX

SENIOR DUETS

POOL / POND
EQUIPMENT ROOM

COVERED POOL LOUNGE

CLUBHOUSE

POOL

SENIOR COTTAGES

NEIGHBORHOOD
LIBRARY BOX

CLUBHOUSE / POOL
ENCLOSURE

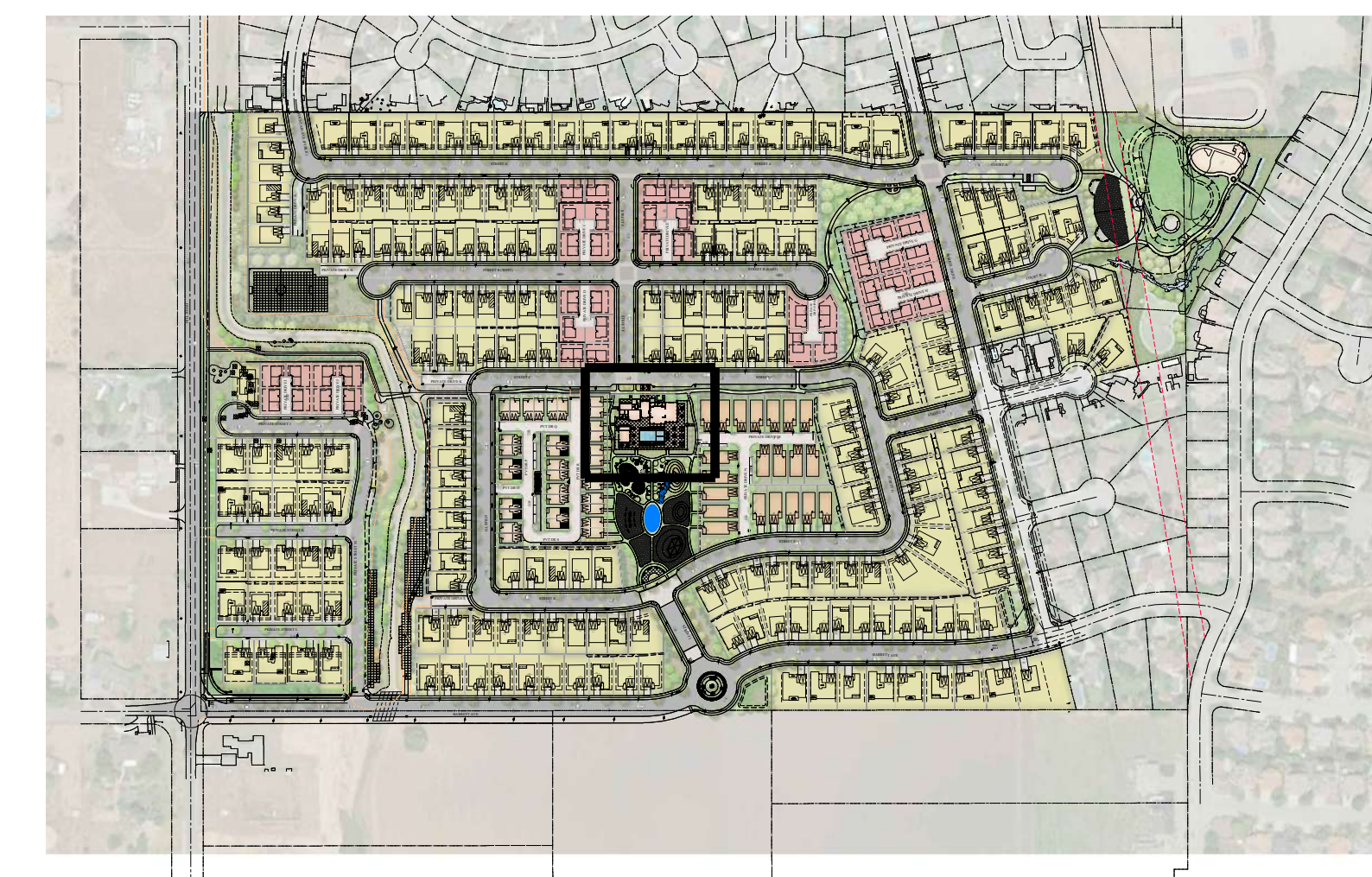
CLUBHOUSE PATIO

BL
P-1X

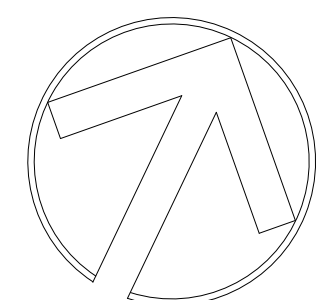
BL
P-1X

BL
P-2

BL
P-2



NEW HORIZONS TRAIL MAP
SCALE: NTS



0 8 16 32 48

COMMUNITY CLUBHOUSE EXHIBIT
SCALE: 1/16" = 1'-0"

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



COMMUNITY CLUBHOUSE EXHIBIT

JOB NO. 202013-001
DATE 3/15/2023
SCALE AS SHOWN

L-2B

ZA2021-0001

WATER FEATURE



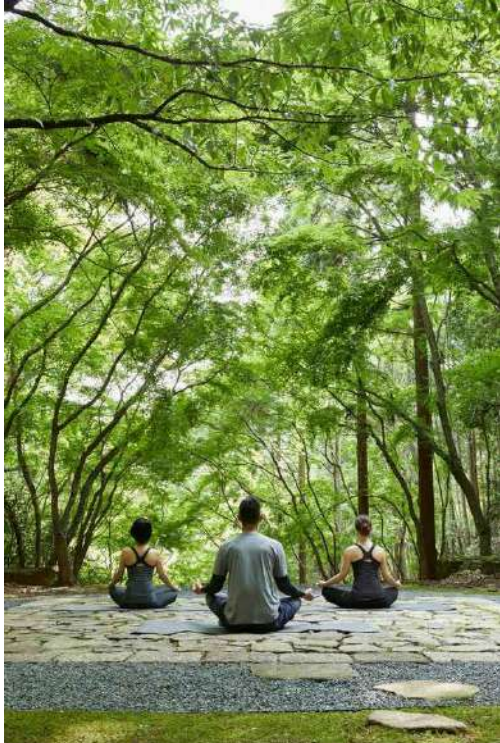
ADULT FITNESS AREA

- 1. Outdoor Fitness Equipment by Kompan
- 2. Benches



POOL/ CLUBHOUSE ENTRY/EXIT

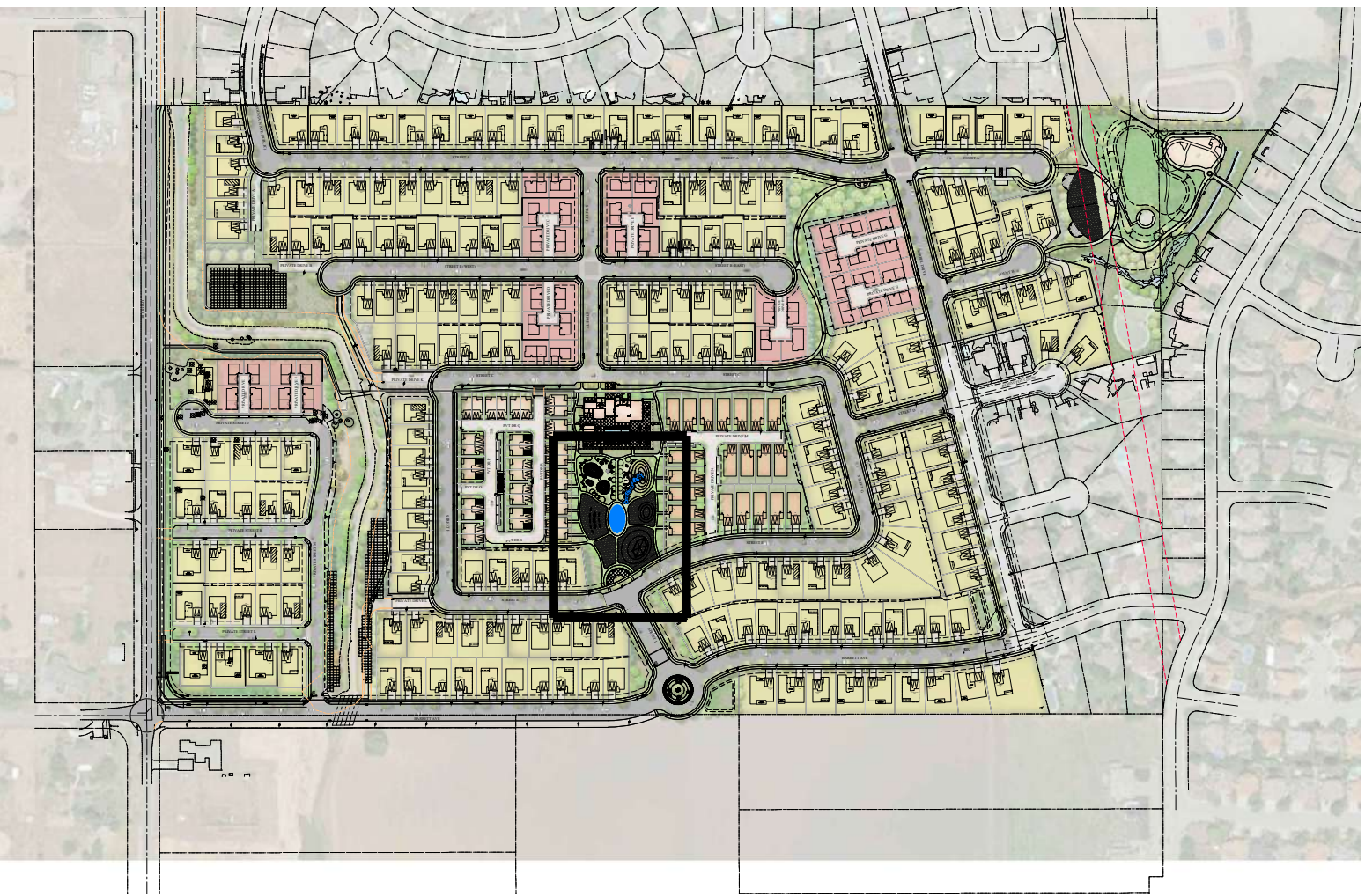
READING AND MEDITATION PARK



POOL/ CLUBHOUSE ENTRY/EXIT

COMMUNITY PLAYGROUND

- 1. Kompan Natural Play Equipment
- 2. Twig Benches by Tournesol
- 3. Paso Collection Platforms by Tournesol
- 4. Children's Tunnels / Mounds / Bridge



NEW HORIZONS TRAIL MAP
SCALE: NTS

COMMUNITY SOCIAL ZONE / EVENTS ZONE

- 1. Shade structures
- 2. Lawn Seating



COMMUNITY ENTRANCE

- 1. Plaza 2. Benches 3. Monument Sign 4. Accent Trees

ART ZONE

- 1. Painting boards
- 2. Outdoor music equipment



Viewing Zone

- 1. Sun loungers
- 2. Lightweight GFRC Benches



NEW HORIZONS COMMUNITY PARK
SCALE: 1/16" = 1'-0"

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/15/2023
SCALE AS SHOWN

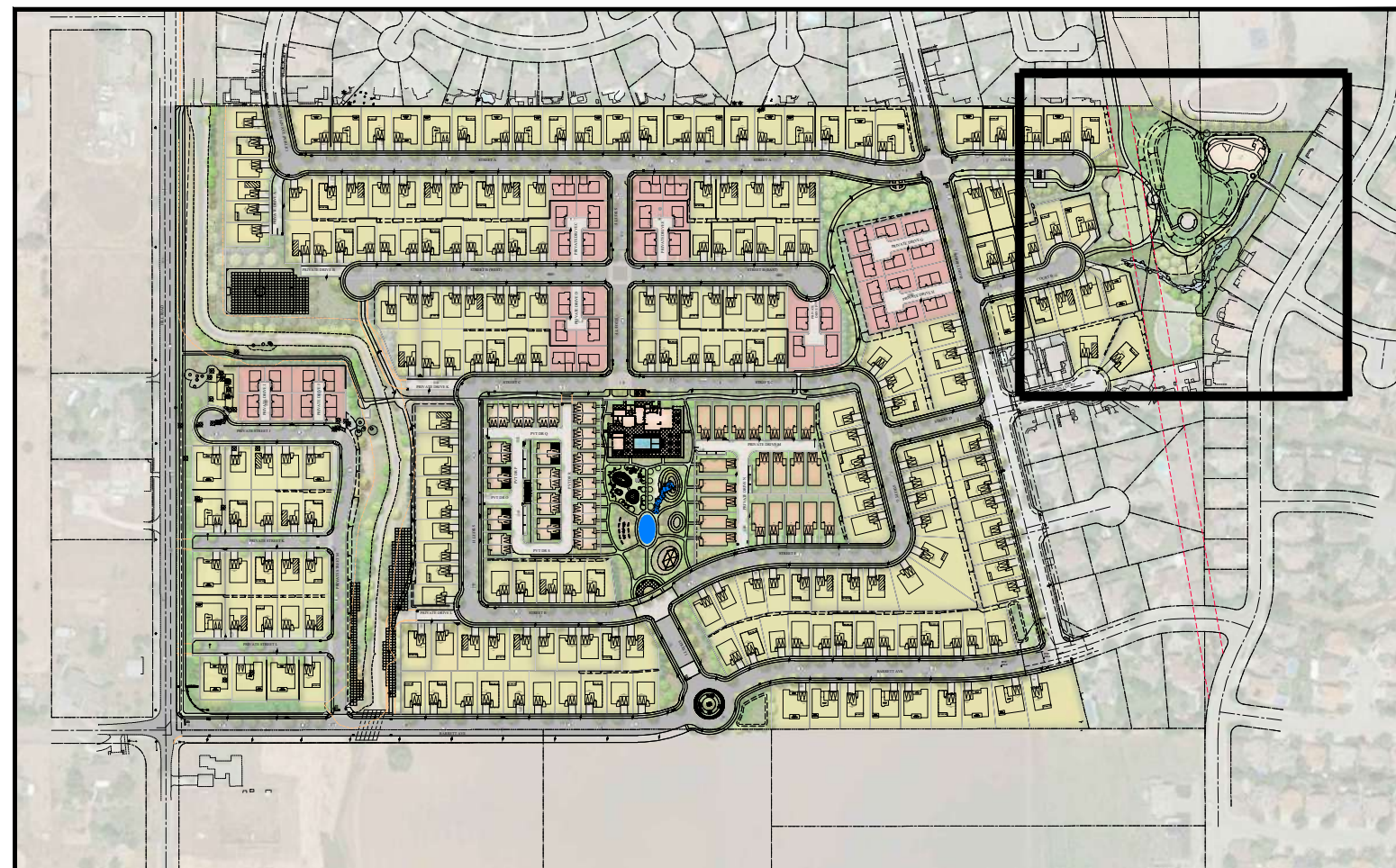
L-2C
ZA2021-0001



NEW HORIZONS TRAIL CONNECTION TO JACKSON SCHOOL AND ADJACENT NEIGHBORHOOD



NEIGHBORHOOD CONNECTION
JACKSON PARK SIGNAGE
ADA PARKING



NEW HORIZONS TRAIL MAP
SCALE: NTS



JACKSON PARK RENOVATION
SCALE: 1" = 40'-0"



NEW CHAIN LINK FENCE ATOP NEW MODULAR MASONRY RETAINING WALL AT PROPERTY LINE WITH JACKSON SCHOOL

NEW CHAIN LINK FENCE AT PROPERTY LINE WITH JACKSON SCHOOL

JACKSON PARK
1. Hardscape Improvements
2. Existing Playground to remain
3. Benches

TRAIL CONNECTION TO EXISTING JACKSON PARK BRIDGE

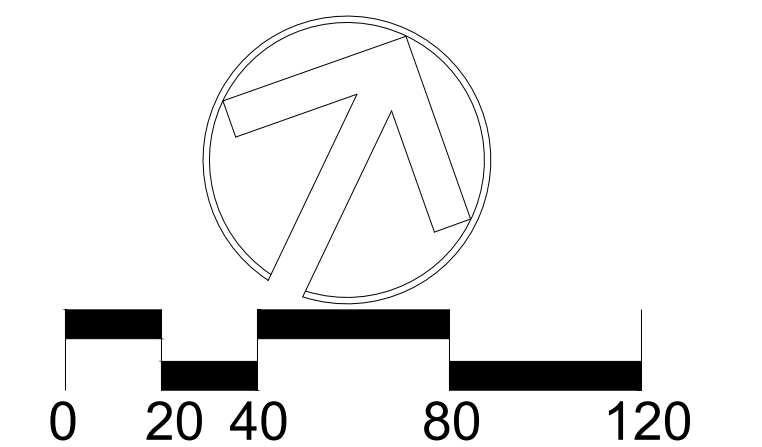
"DUAL USE" STORM WATER DETENTION BASIN

"AMPHITHEATER"

TRAIL

FUTURE
1. Riparian Habitat Overlook
2. Interpretive Signage
3. Picnic Areas

PARKS & RECREATION JACKSON PARK RENOVATION EXHIBIT



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/15/2023
SCALE AS SHOWN

L-3
ZA2021-0001

TREES



AESCULUS CALIFORNICA
CALIFORNIA BUCKEYE



ALNUS RHOMBIFOLIA
WHITE ALDER



CERCIS CANADENSIS
'FOREST PANSY'
WESTERN REDBUD



PLATANUS RACEMOSA
CALIFORNIA SYCAMORE



QUERCUS LOBATA
VALLEY OAK

SHRUBS



BACCHARIS PILULARIS
'TWIN PEAKS'
DWARF COYOTE BUSH



CALYCANTHUS
OCCIDENTALIS
SPICE BUSH



CARPENTERIA
CALIFORNICA
BUSH ANEMONE



CISTUS X SKANBERGII
ROCKROSE



CORNUS SERICEA
'BAILEYI'
RED OSIER DOGWOOD

SHRUBS



MIMULUS CARDINALIS
SCARLET MONKEY
FLOWER



RHAMNUS CALIFORNICA
MOUND SAN BRUNO
COFFEBERRY



RHUS OVATA
SUGAR BUSH



RIBES SANGUINEUM
PINK FLOWERING CURRANT



ROSA CALIFORNICA
WILD ROSE

SHRUBS



SAMBUCUS NIGRA
BLUE ELDERBERRY



ZAUSCHNERIA CALIFORNICA
'CATALINA'
ISLAND CALIFORNIA FUCHSIA

GRASSES



CAREX PRAEGRACILIS
FIELD SEDGE



CHONDROPETALUM ELEPHANTINUM
LARGE CAPE RUSH

GRASSES



FESTUCA IDAHENSIS
'SISIYOU BLUE'
SISIYOU BLUE FESCUE



HELOCHARIS MONTEVIDENSIS
COMMON SPIKE RUSH



JUNCUS EFFUSUS
COMMON RUSH



MUHLENBERGIA RIGENS
DEER GRASS

PLANT PALATTE - RIPARIAN PLANTS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS	NATIVE
TREES:					
ALN RHO	ALNUS RHOMBIFOLIA	WHITE ALDER	24"BOX	H	YES
AES CAL	AESCULUS CALIFORNICA	CALIFORNIA BUCKEYE	15 GAL	L	YES
CER CAN	CERCIS CANADENSIS 'FOREST PANSY'	WESTERN REDBUD	24"BOX	L	YES
PLA RAC	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	24"BOX	M	YES
QUE LOB	QUERCUS LOBATA	VALLEY OAK	24"BOX	L	YES
SHRUBS:					
BAC PIL	BACCHARIS PILULARIS 'TWIN PEAKS'	DWARF COYOTE BUSH	5 GAL	L	YES
CAL OCC	CALYCANTHUS OCCIDENTALIS	SPICE BUSH	5 GAL	L	YES
CAR CAL	CARPENTERIA CALIFORNICA	BUSH ANEMONE	5 GAL	L	YES
CIS SKA	CISTUS X SKANBERGII	ROCKROSE	1 GAL.	L	YES
COR SER	CORNUS SERICEA 'BAILEYI'	RED OSIER DOGWOOD	5 GAL.	H	YES
MIM CAR	MIMULUS CARDINALIS	SCARLET MONKEY FLOWER	1 GAL	L	YES
RHA CAL	RHAMNUS CALIFORNICA	MOUND SAN BRUNO COFFEBERRY	5 GAL	L	YES
RHU OVA	RHUS OVATA	SUGAR BUSH	15 GAL	L	YES
RIB SAN	RIBES SANGUINEUM	PINK FLOWERING CURRANT	5 GAL.	L	YES
ROS CAL	ROSA CALIFORNICA	WILD ROSE	1 GAL	L	YES
SAM NIG	SAMBUCUS NIGRA	BLUE ELDERBERRY	15 GAL	L	YES
ZAU CAL	ZAUSCHNERIA CALIFORNICA 'CATALINA'	ISLAND CALIFORNIA FUCHSIA	5 GAL	L	YES
GRASSES:					
CAR PRA	CAREX PRAEGRACILIS	FIELD SEDGE	1 GAL	M	YES
CHO ELE	CHONDROPETALUM ELEPHANTINUM	LARGE CAPE RUSH	5 GAL	L	NO
FES IDA	FESTUCA IDAHOENSIS 'SISKIYOU BLUE'	SISKIYOU BLUE FESCUE	1 GAL.	M	NO
HEL MON	HELEOCHARIS MONTEVIDENSIS	COMMON SPIKE RUSH	1 GAL	M	NO
JUN MAC	JUNCUS MACROPHYLLUS	LONG LEAF RUSH	1 GAL	L	YES
MUH RIG	MUHLENBERGIA RIGENS	DEER GRASS	5 GAL	L	YES

NEW HORIZONS TRAIL EXHIBIT
RIPARIAN PLANT PALETTE

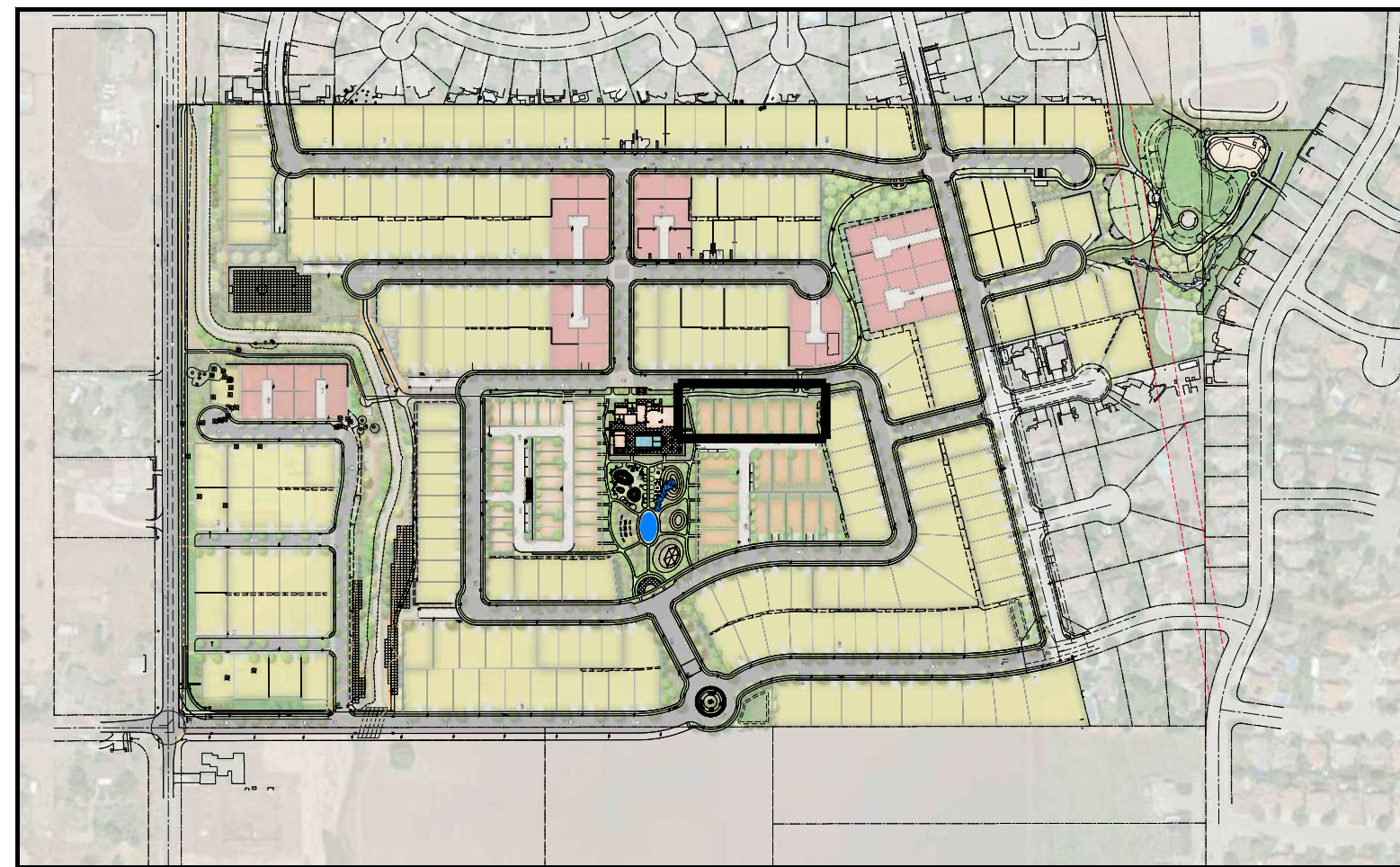
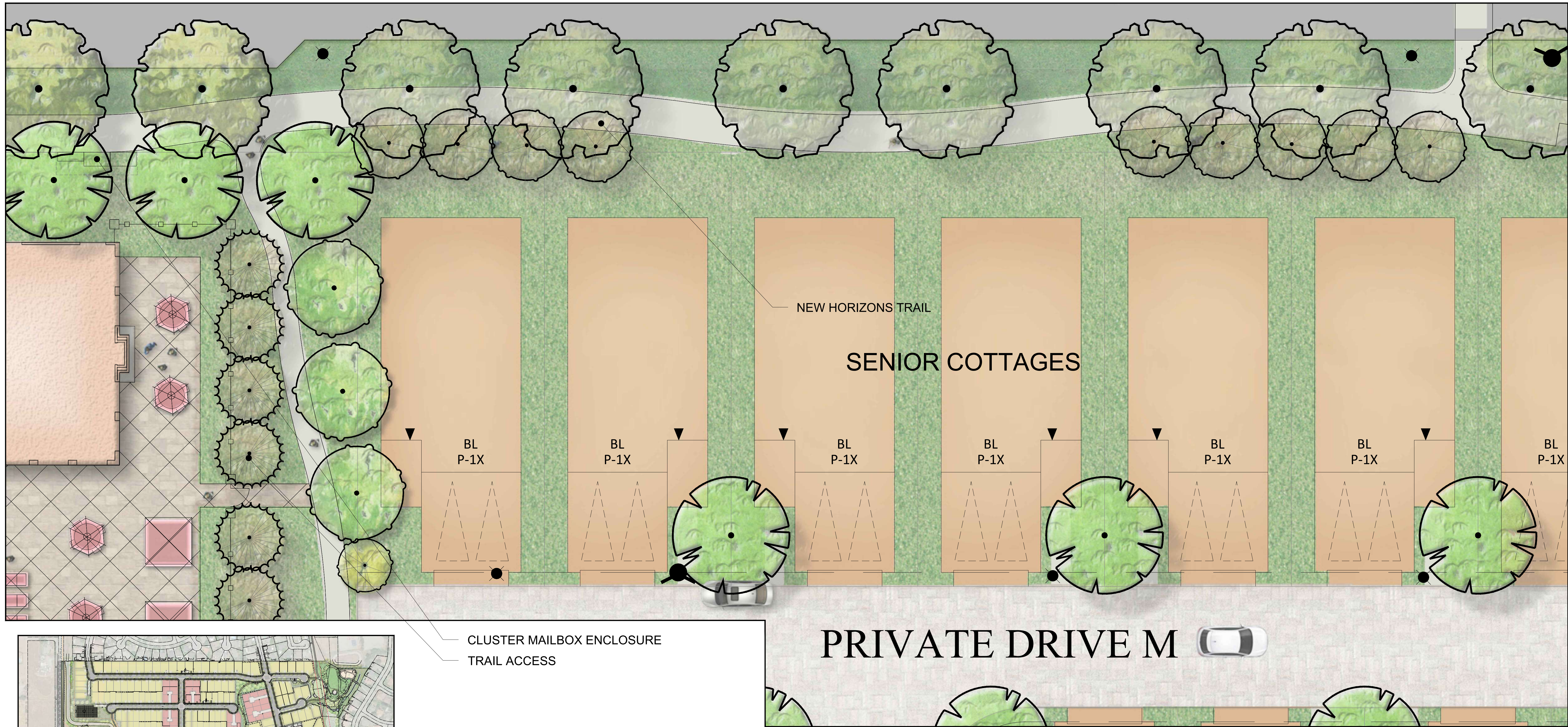
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/15/2023
SCALE AS SHOWN

L-4B
ZA2021-0001



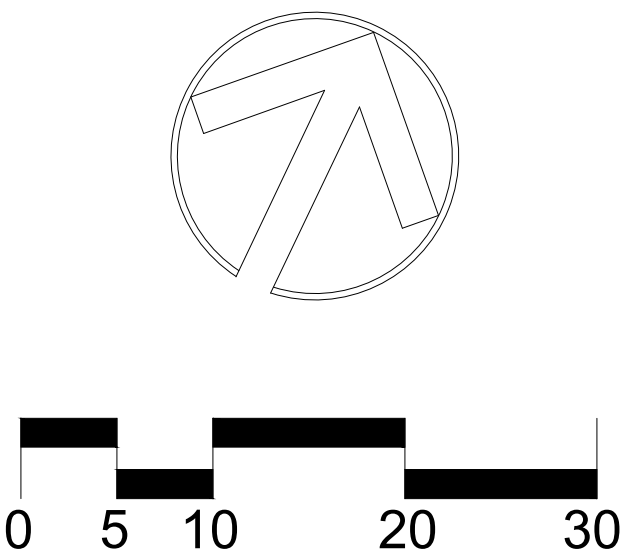
NEW HORIZONS TRAIL MAP
SCALE: NTS

NEW HORIZONS TRAIL AT SENIOR COTTAGES
SCALE: 1" = 10'-0"



PARKS & RECREATION

NEW HORIZONS TRAIL AT SENIOR COTTAGES



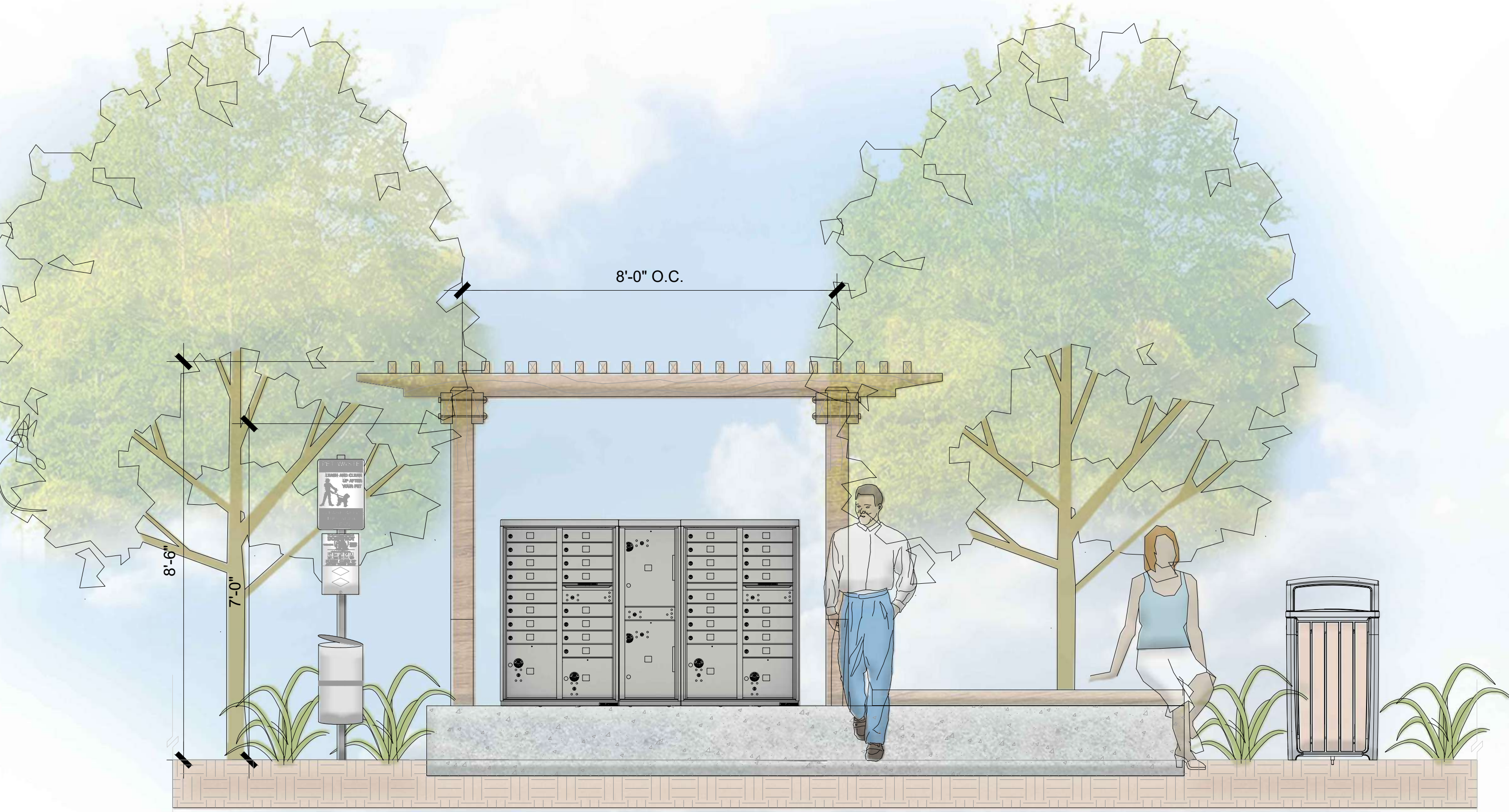
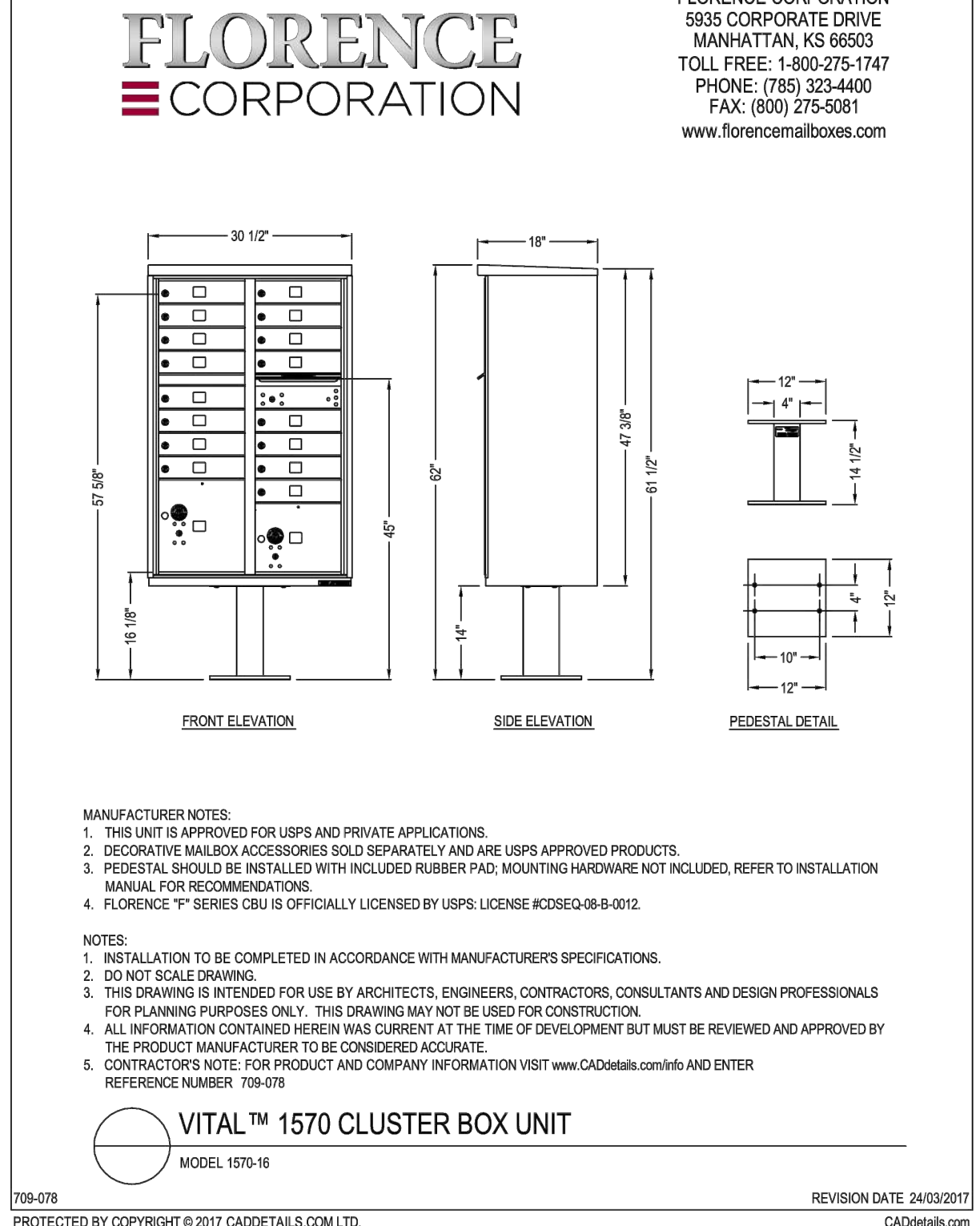
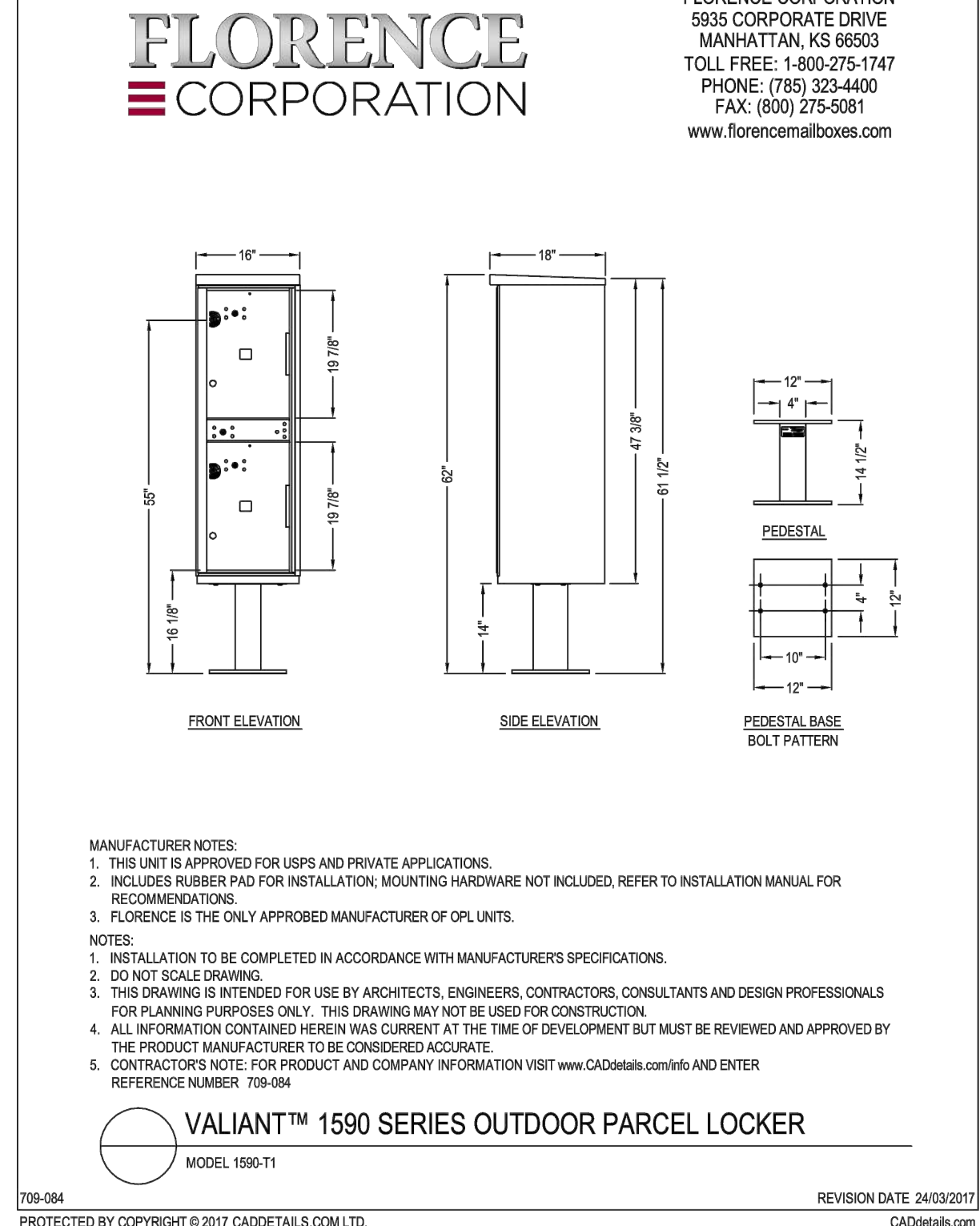
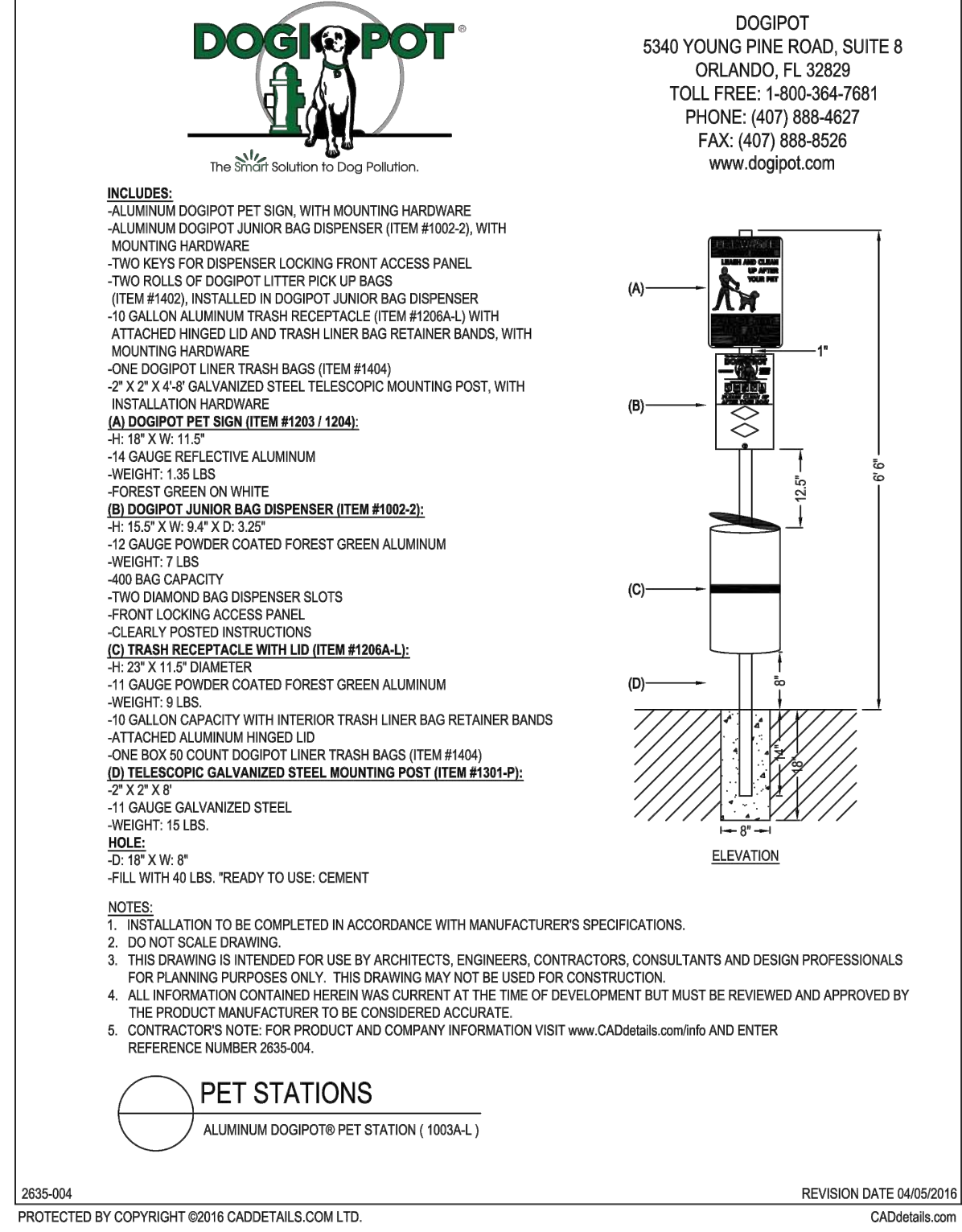
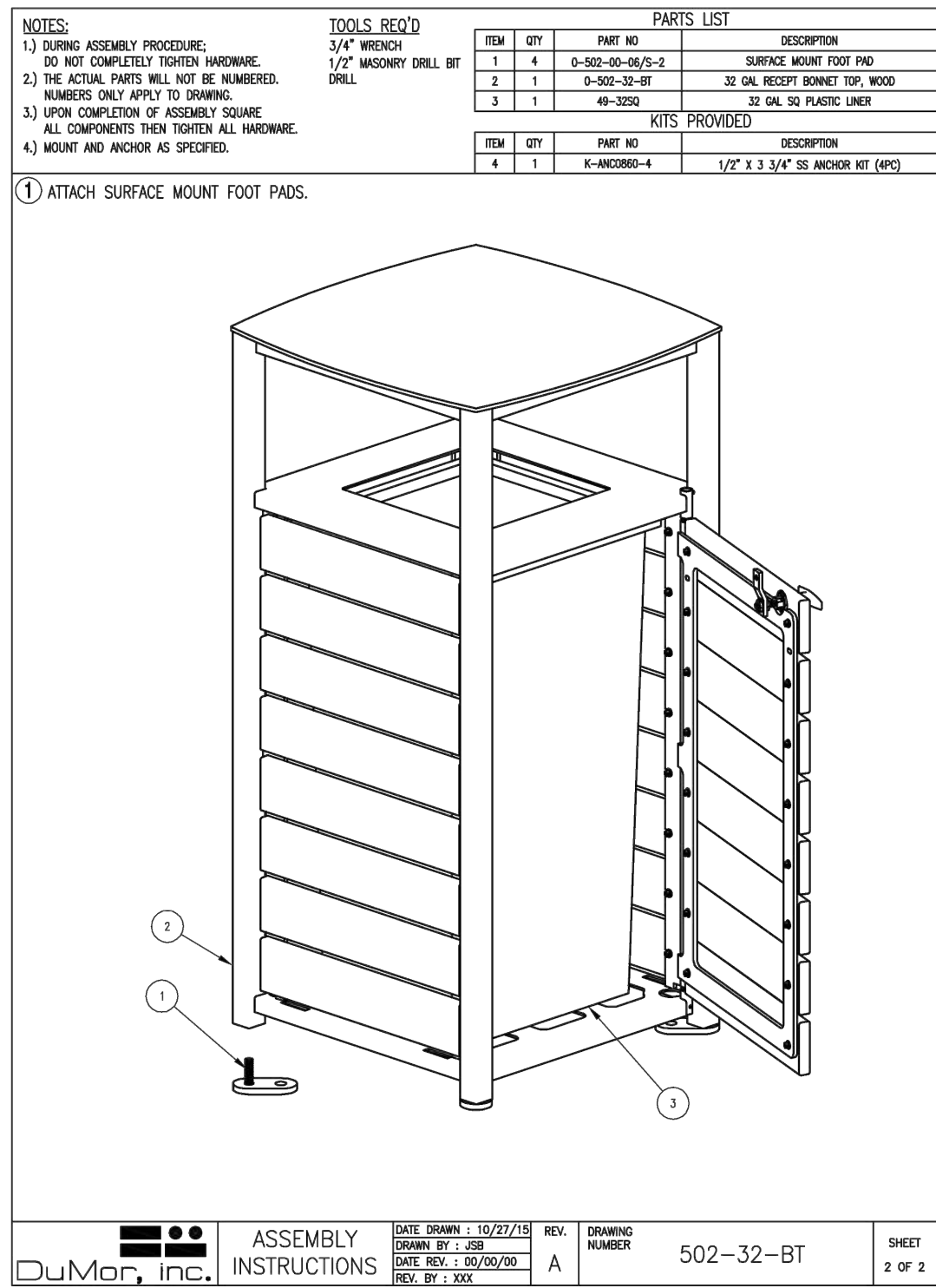
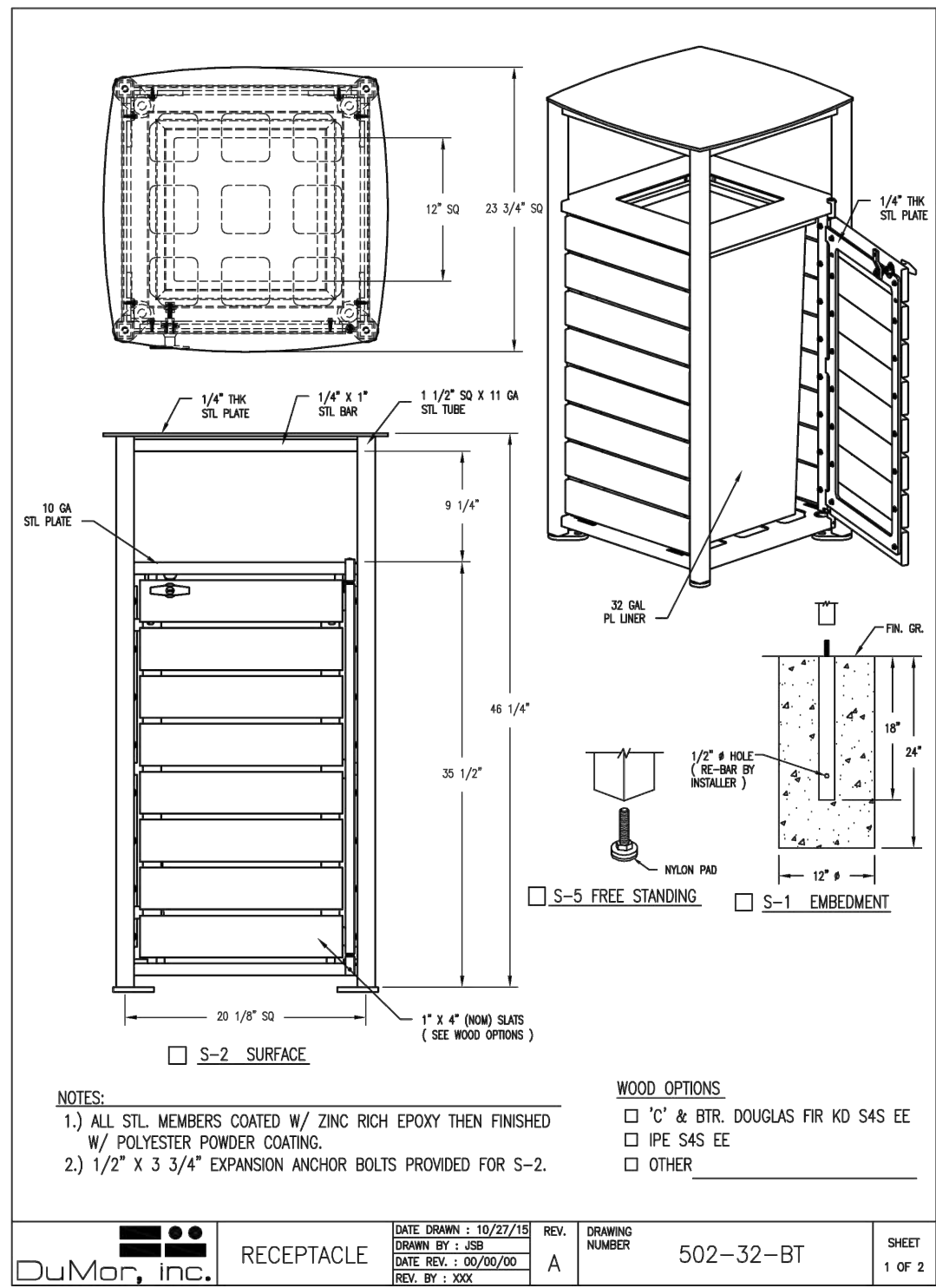
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



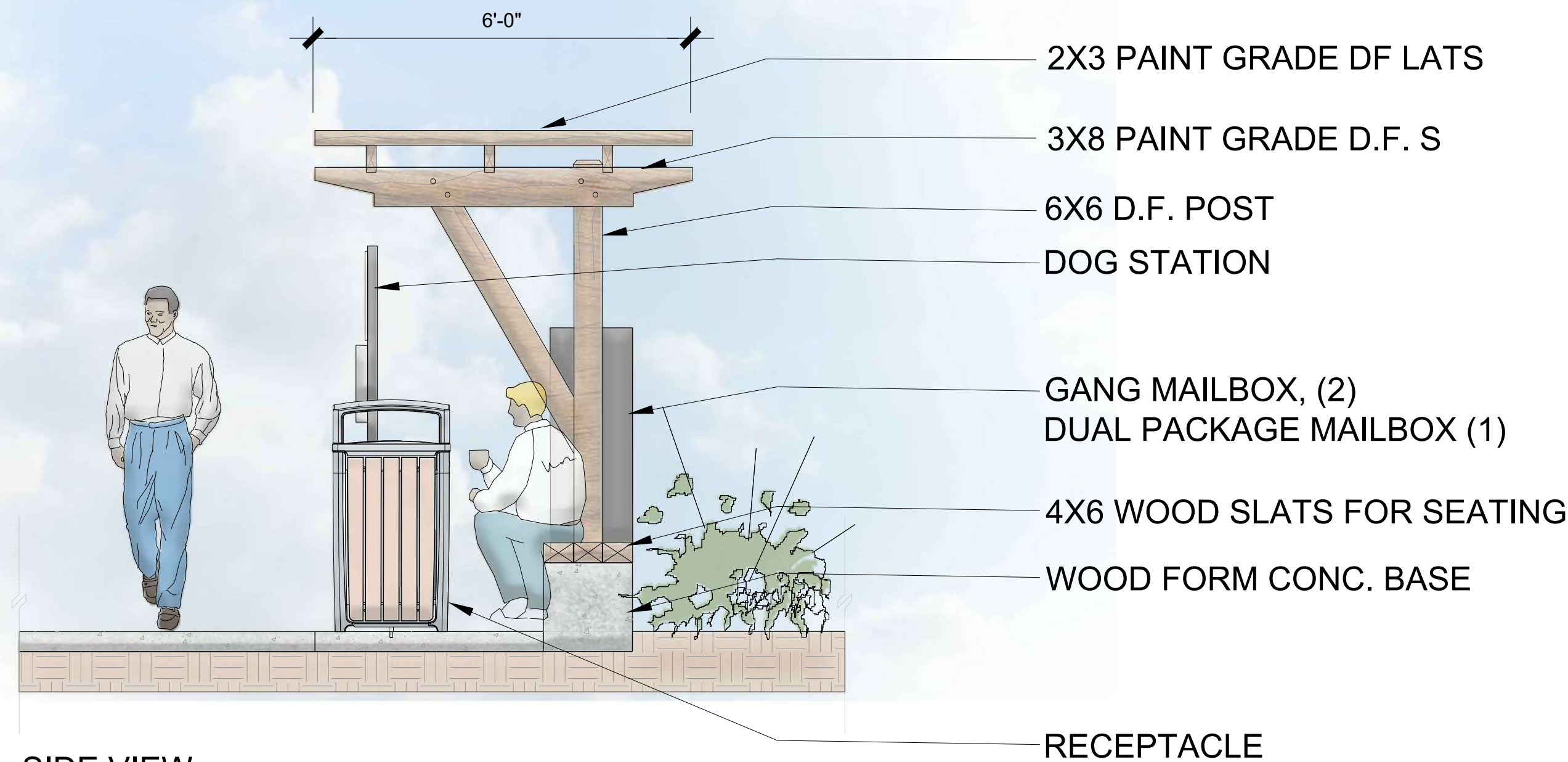
JOB NO. 202013-001
DATE 3/15/2023
SCALE AS SHOWN

L-5
ZA2021-0001



FRONT VIEW

1 MAILBOX ENCLOSURE
 SCALE: 1/4" = 1'-0"



SIDE VIEW

PARKS & RECREATION

TYPICAL MAIL STATION



NEW HORIZONS AT MORGAN HILL

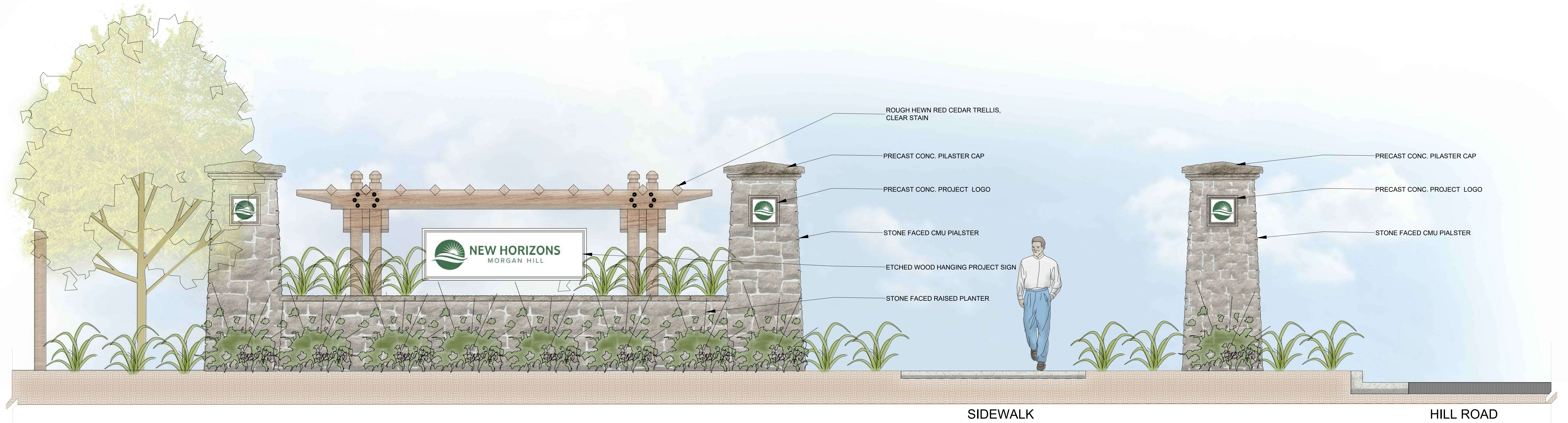
BY MORGAN HILL DEVCO, LLC



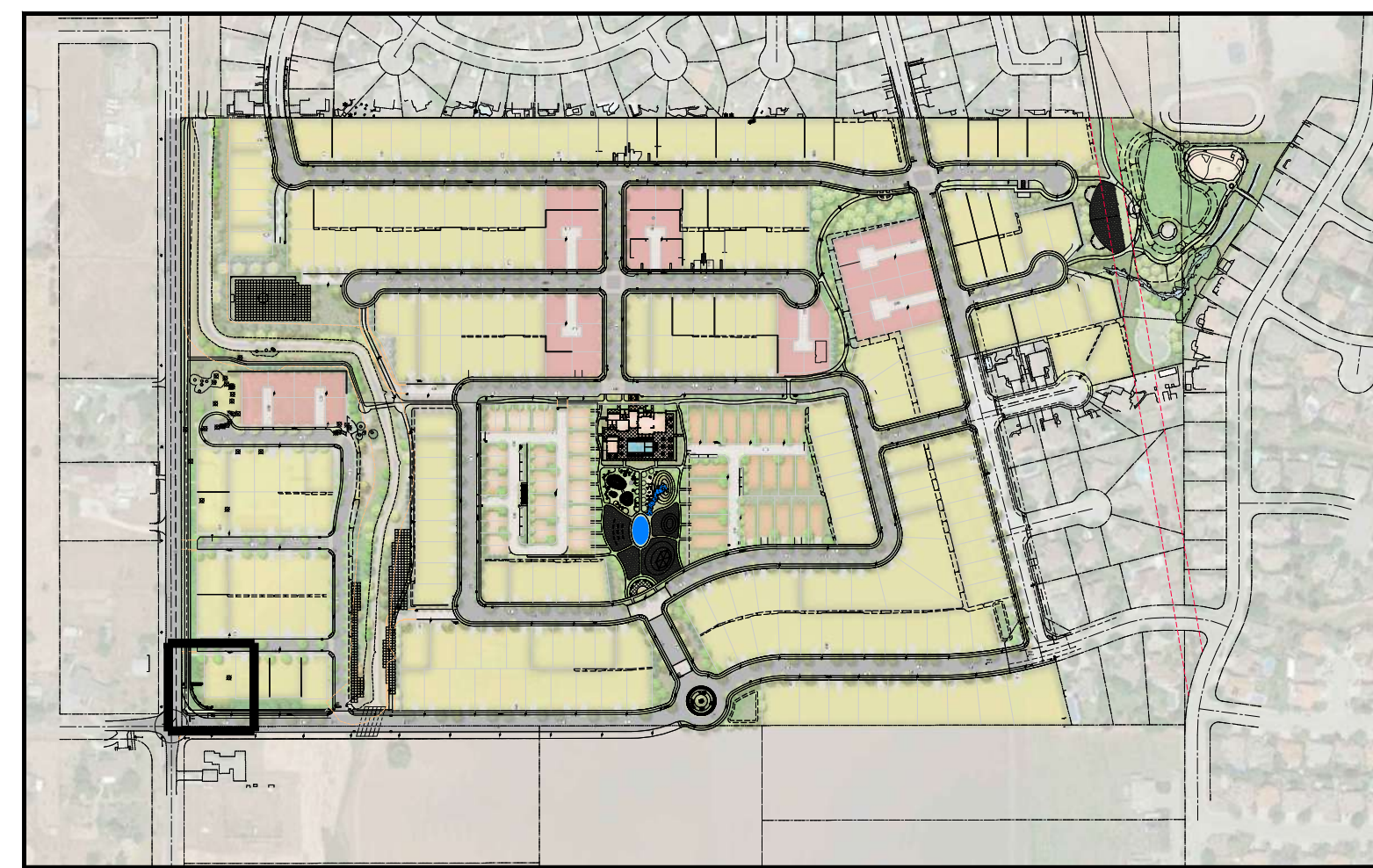
JOB NO. 202013-001
 DATE 3/15/2023
 SCALE AS SHOWN

L-6

ZA2021-0001



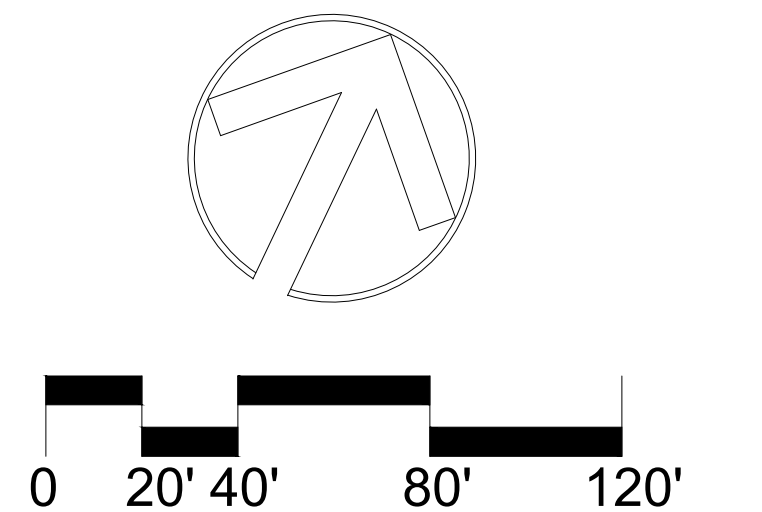
1 ELEVATION: MONUMENT SIGN @ HILL ROAD AND BARRETT AVENUE
SCALE: 1/2" = 1'-0"



NEW HORIZONS TRAIL MAP
SCALE: NTS



2 PLAN: MONUMENT SIGN @ HILL ROAD AND BARRETT AVENUE
SCALE: 1' = 20'-0"



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

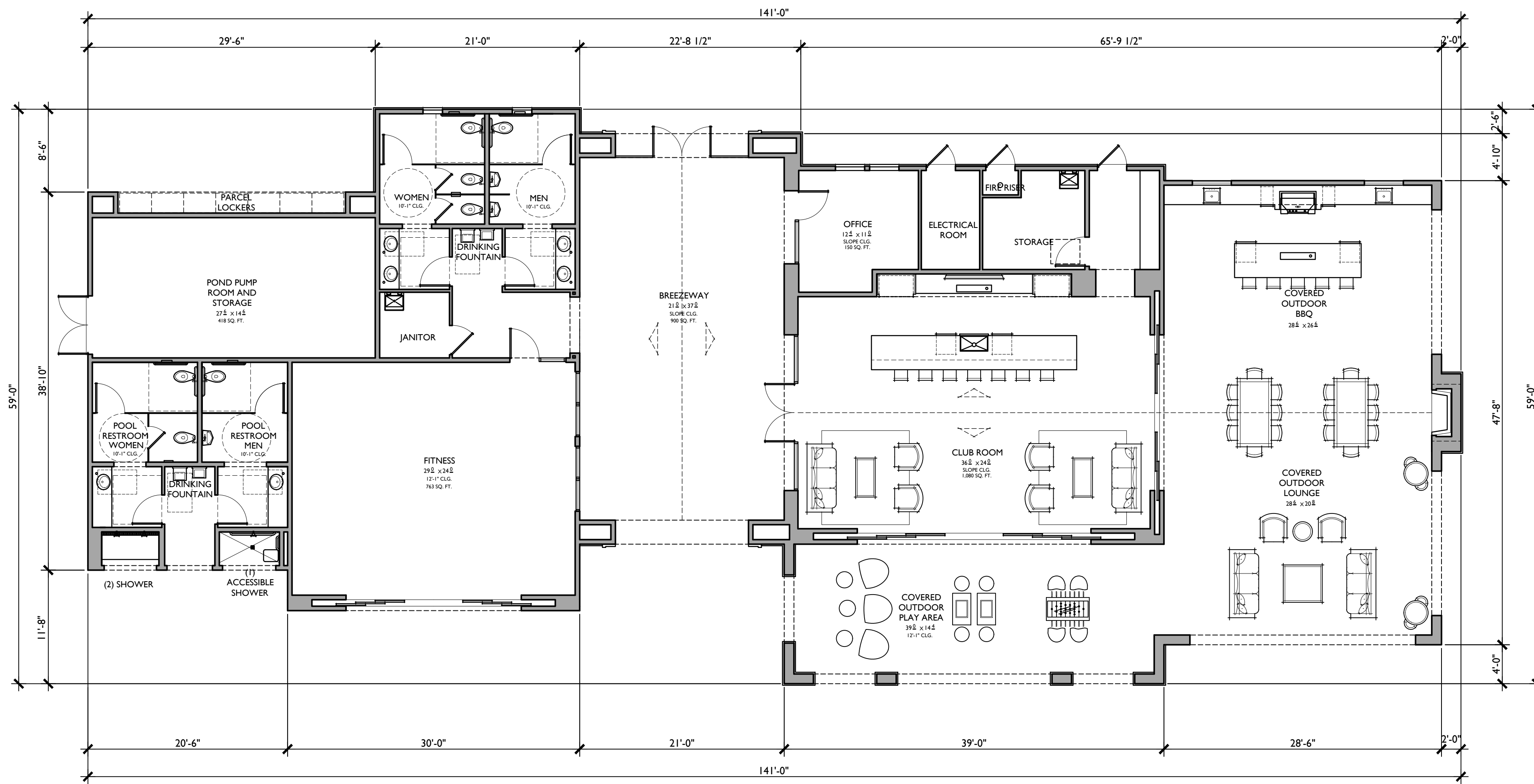
MONUMENT SIGN EXHIBIT



JOB NO. 202013-001
DATE 3/15/2023
SCALE AS SHOWN

L-7

ZA2021-0001



FLOOR AREA	
RECREATION CENTER	3,777 SQ. FT.
BREEZEWAY	808 SQ. FT.
COVERED OUTDOOR PLAY AREA	559 SQ. FT.
COVERED OUTDOOR LOUNGE	589 SQ. FT.
COVERED OUTDOOR BBQ	769 SQ. FT.
TOTAL	6,502 SQ. FT.

MATERIAL LEGEND	
A.	CONCRETE 'S' TILE
B.	STUCCO FINISH
C.	PRECAST TRIM
D.	FOAM TRIM
E.	BRICK VENEER
F.	BRICK HEADER TRIM
G.	METAL GATE
H.	VINYL WINDOW
I.	WOOF RAFTER TAILS
J.	WOOD BARGE BOARD
K.	WROUGHT IRON DETAILS
L.	CHIMNEY CAP

3 CLUBHOUSE - FIRST FLOOR
SCALE: 1/8" = 1'-0"



2 CLUBHOUSE - SOUTH ELEVATION (POOL SIDE)
SCALE: 1/8" = 1'-0"



1 CLUBHOUSE - EAST ELEVATION
SCALE: 1/8" = 1'-0"

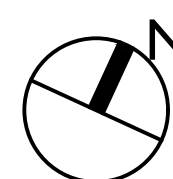
CLUBHOUSE FLOOR PLAN AND ELEVATIONS

NEW HORIZONS AT MORGAN HILL

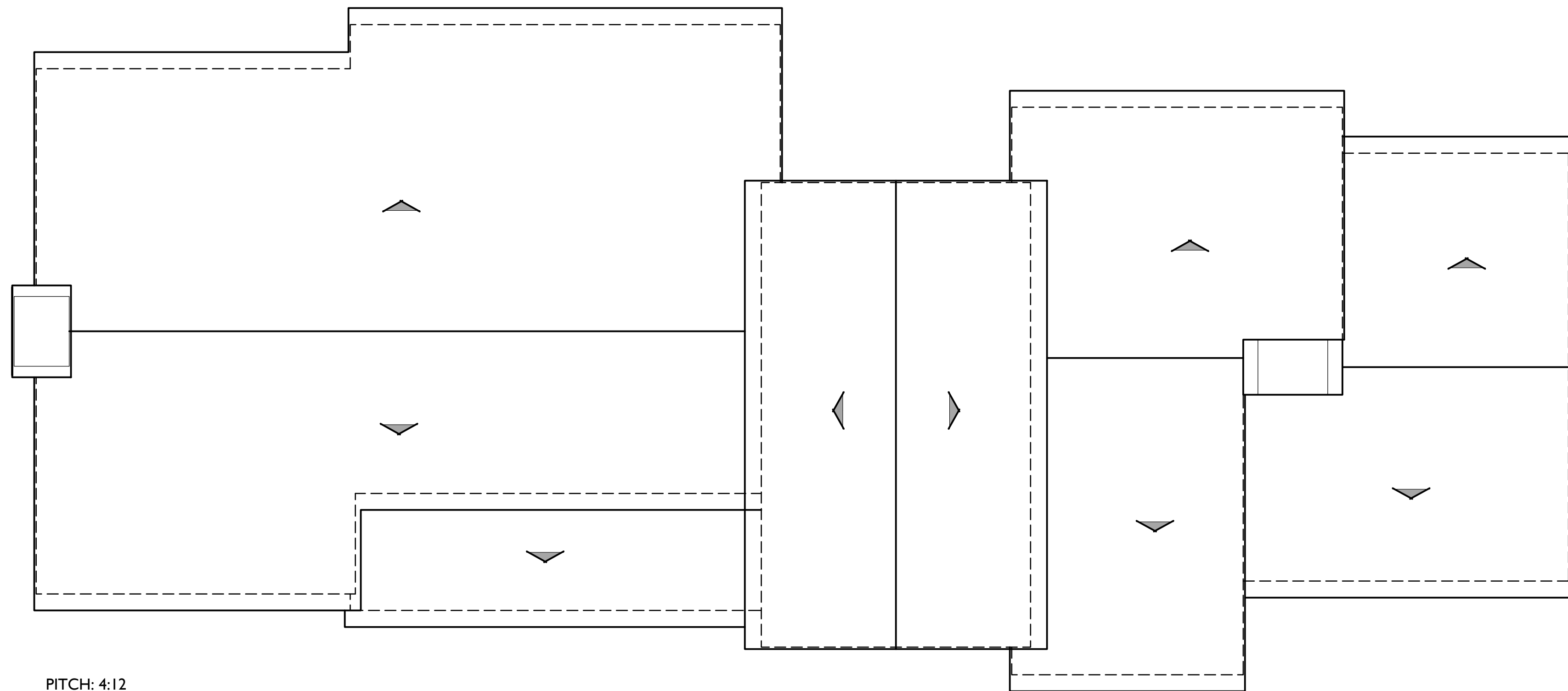
BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN



A4.1



PITCH: 4:12
RAKE: 6"
EAVE: 18"
ROOF MATERIAL: CONCRETE 'S' TILE

FLOOR AREA	
RECREATION CENTER	3,777 SQ. FT.
BREEZEWAY	808 SQ. FT.
COVERED OUTDOOR PLAY AREA	559 SQ. FT.
COVERED OUTDOOR LOUNGE	589 SQ. FT.
COVERED OUTDOOR BBQ	769 SQ. FT.
TOTAL	6,502 SQ. FT.

- MATERIAL LEGEND**
- A. CONCRETE 'S' TILE
 - B. STUCCO FINISH
 - C. PRECAST TRIM
 - D. FOAM TRIM
 - E. BRICK VENEER
 - F. BRICK HEADER TRIM
 - G. METAL GATE
 - H. VINYL WINDOW
 - I. WOOD RAFTER TAILS
 - J. WOOD BARGE BOARD
 - K. WROUGHT IRON DETAILS
 - L. CHIMNEY CAP

3 CLUBHOUSE - ROOF PLAN
SCALE: 1/8" = 1'-0"



2 CLUBHOUSE - NORTH ELEVATION (ENTRANCE)
SCALE: 1/8" = 1'-0"



1 CLUBHOUSE - WEST ELEVATION
SCALE: 1/8" = 1'-0"

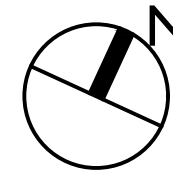
CLUBHOUSE ROOF PLAN AND ELEVATIONS

NEW HORIZONS AT MORGAN HILL

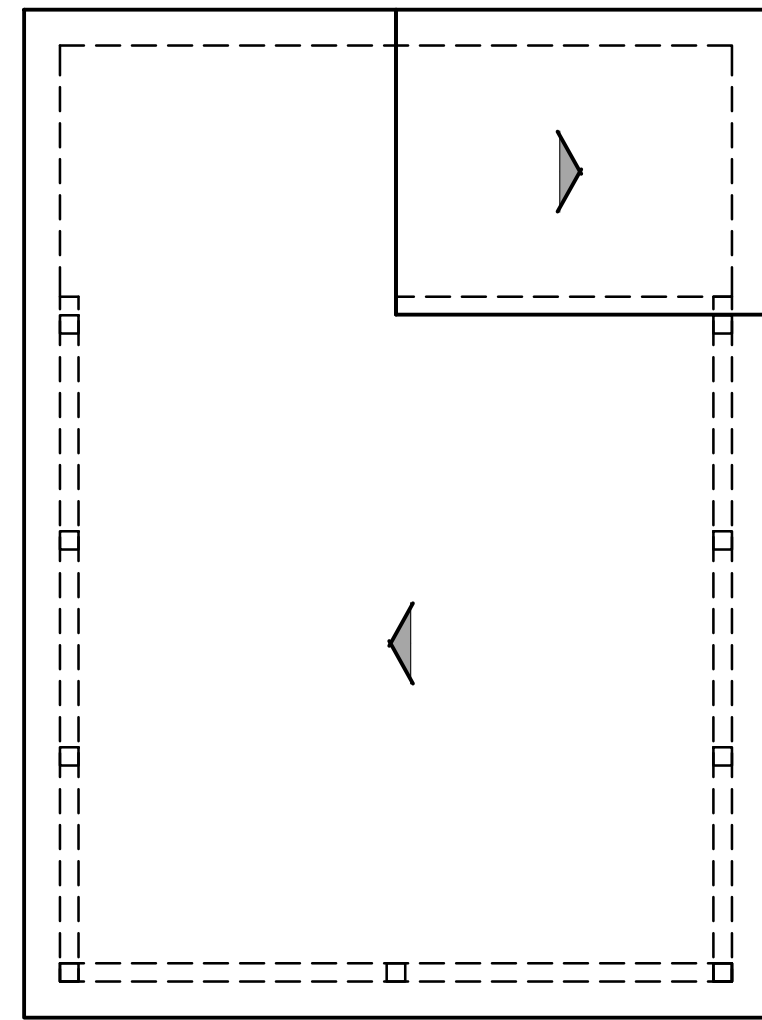
BY MORGAN HILL DEVCO, LLC



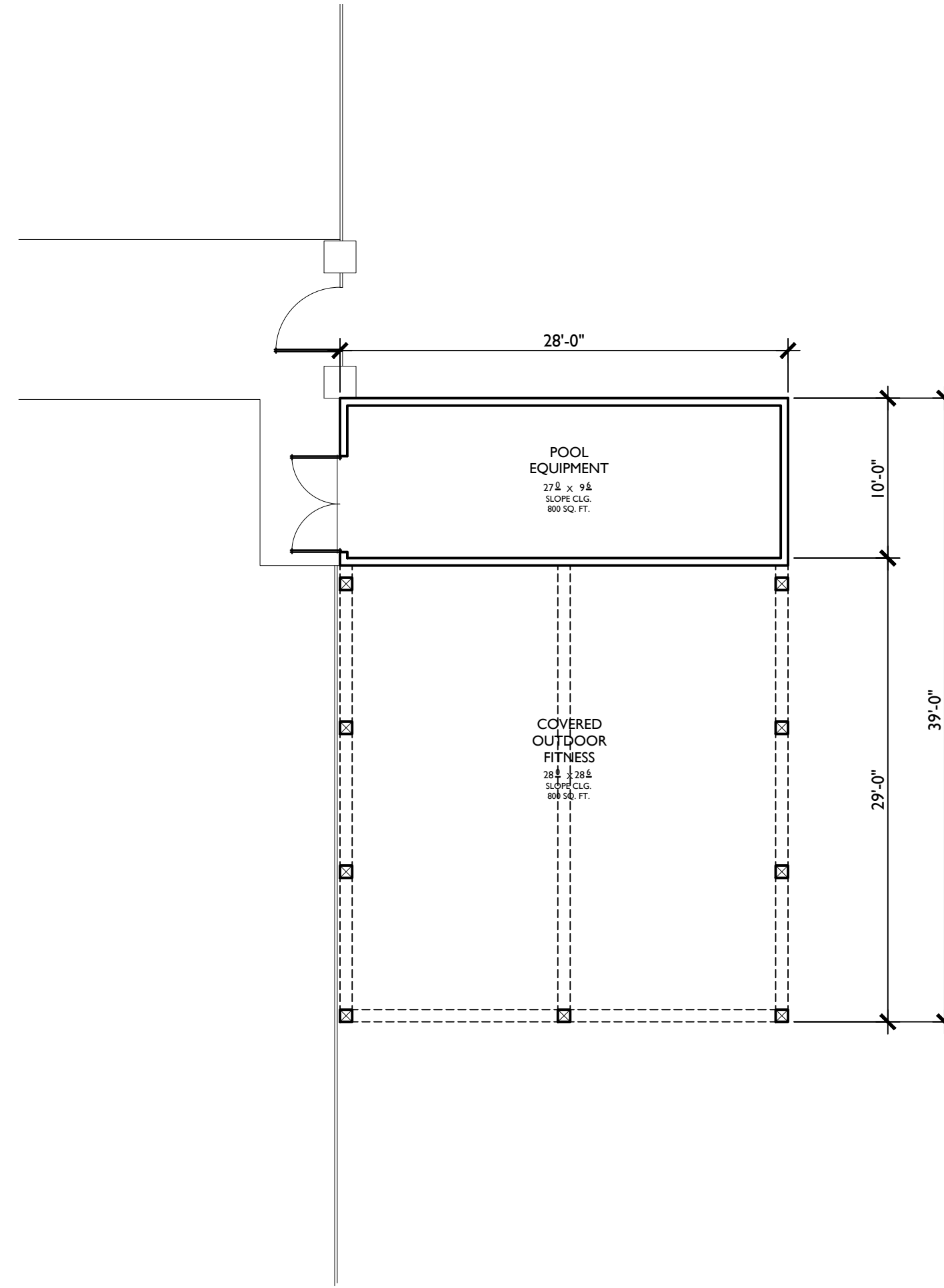
JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN



A4.2



PITCH: 3:12
RAKE: 18"
EAVE: 18"
ROOF MATERIAL: CONCRETE 'S' TILE

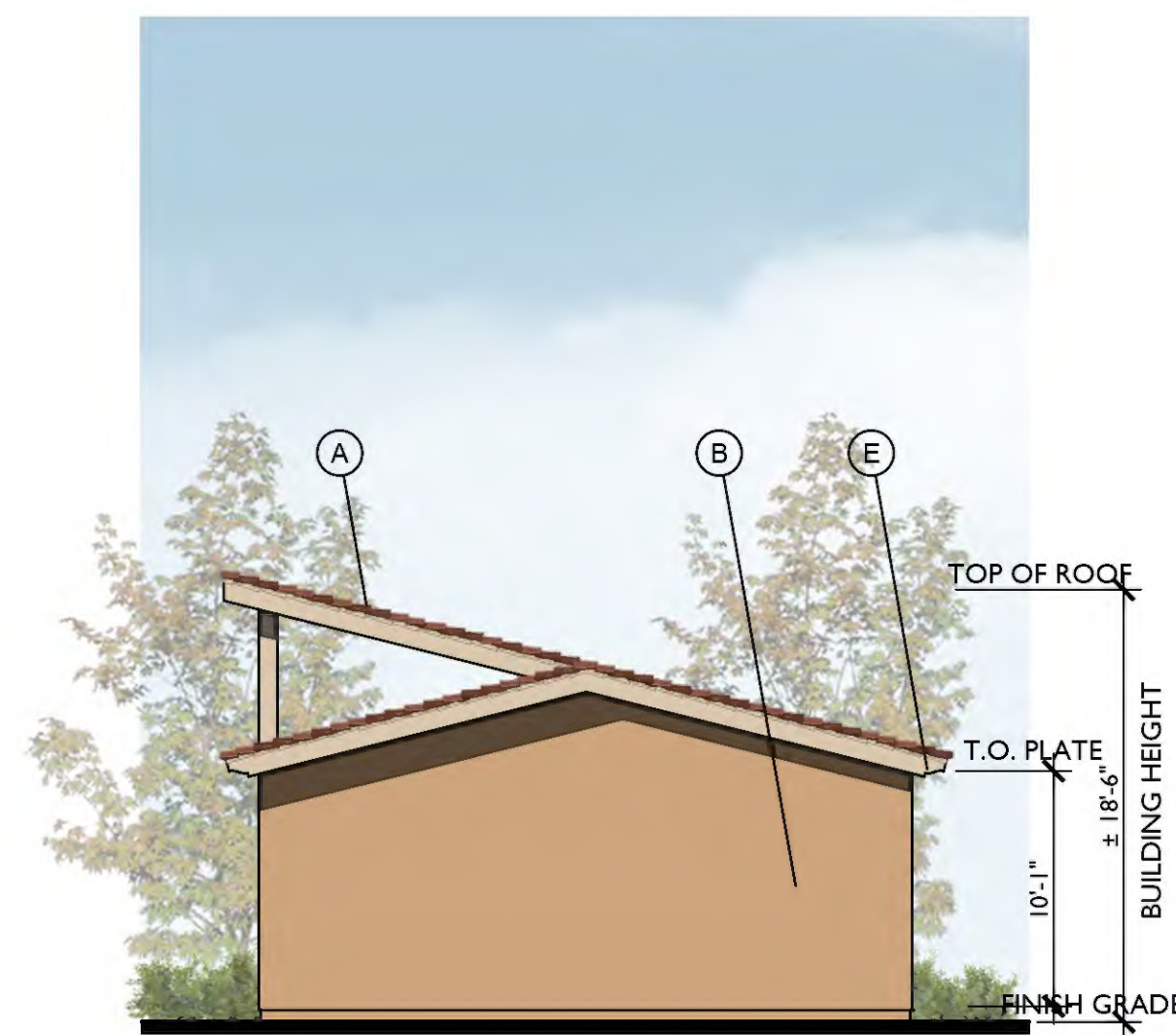


FLOOR AREA	
COVERED OUTDOOR FITNESS	800 SQ. FT.
POOL EQUIPMENT	292 SQ. FT.
TOTAL	1,092 SQ. FT.

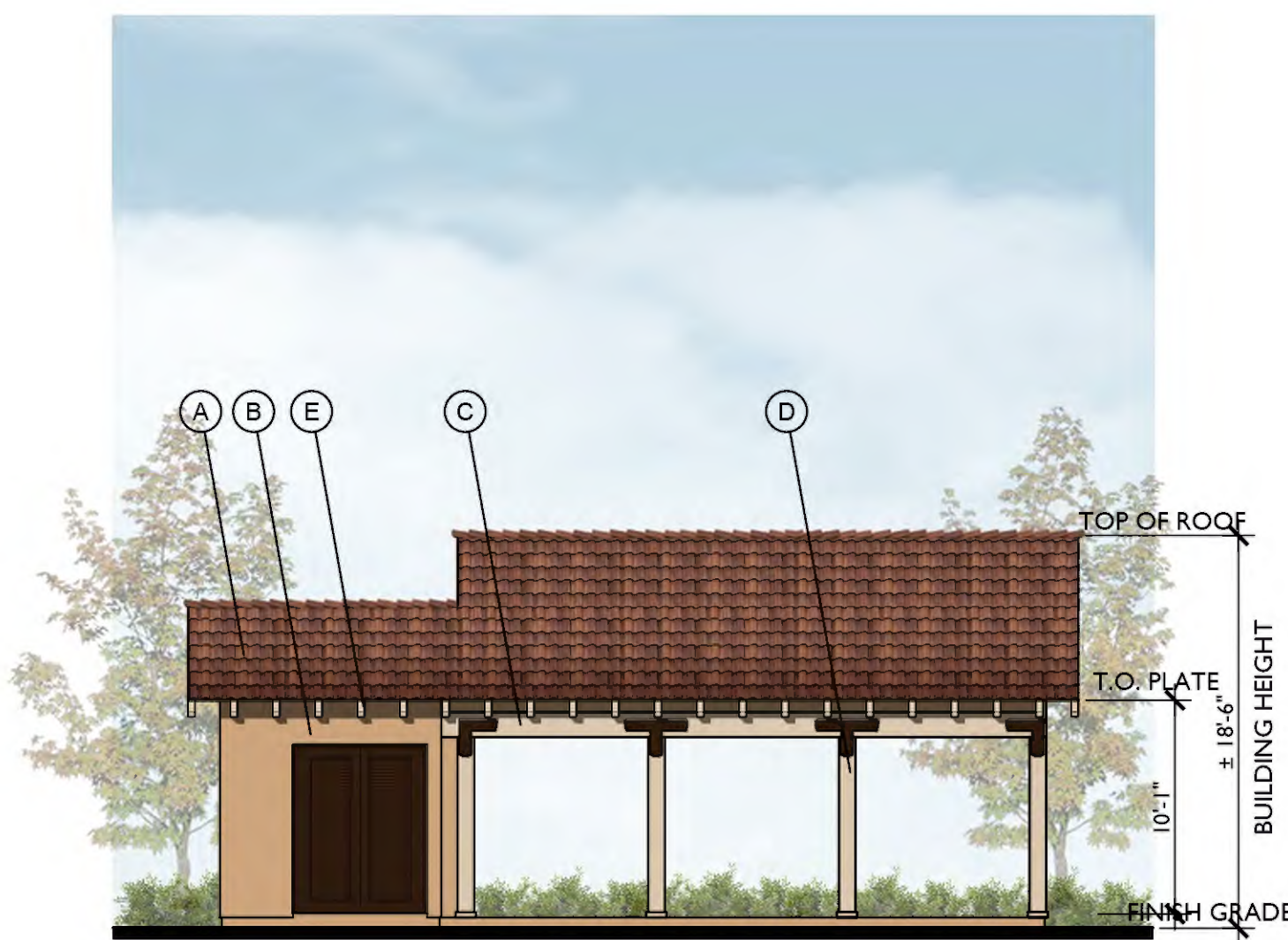
MATERIAL LEGEND	
A.	CONCRETE 'S' TILE
B.	STUCCO FINISH
C.	WOOD BEAM
D.	WOOD POST
E.	RAFTER TAIL

5 OUTDOOR FITNESS - ROOF PLAN & FLOOR PLAN

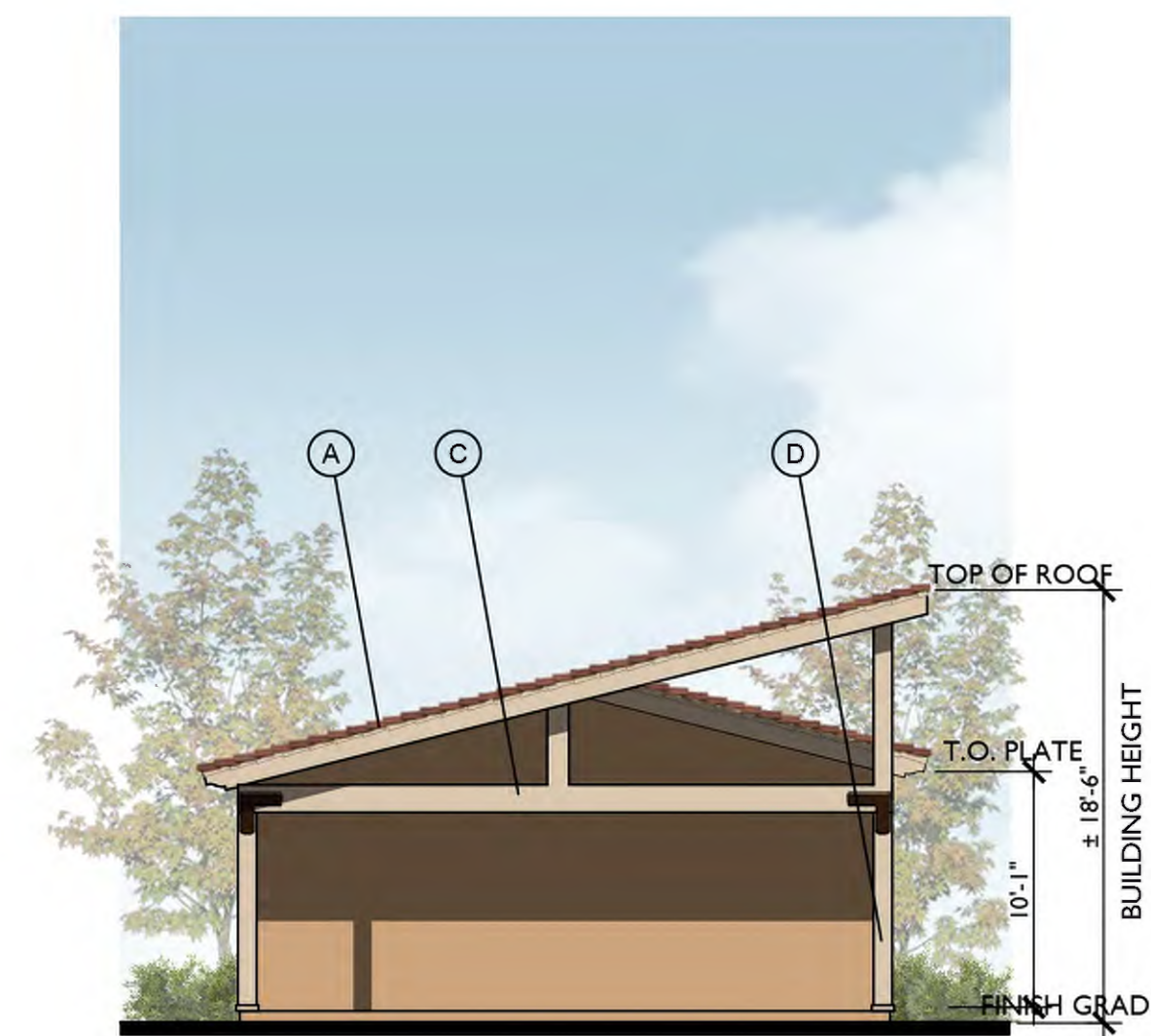
SCALE: 1/8" = 1'-0"



4 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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

OUTDOOR FITNESS FLOOR PLAN AND ELEVATIONS

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

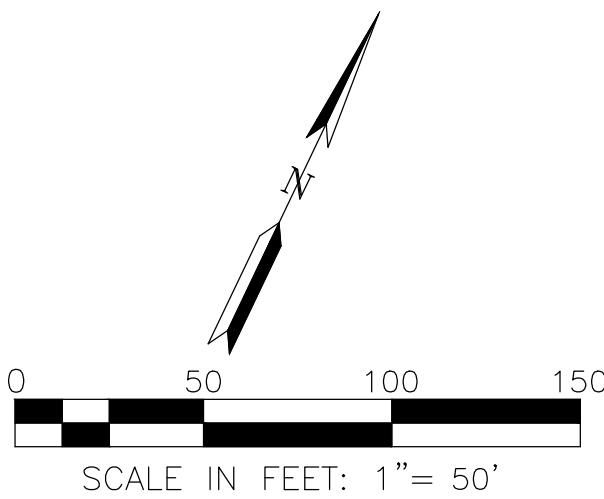
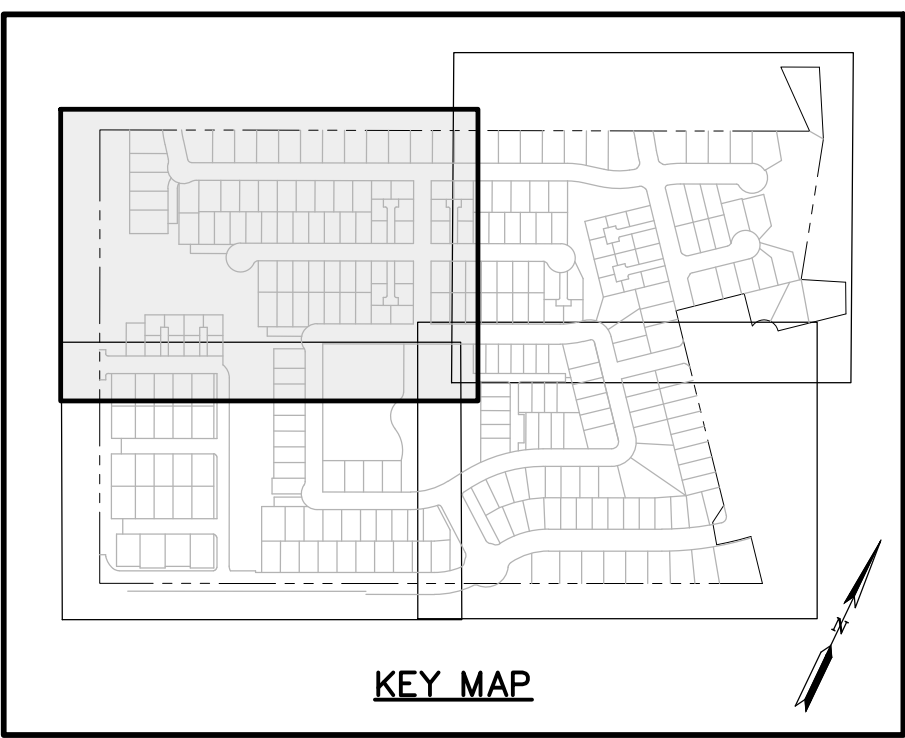
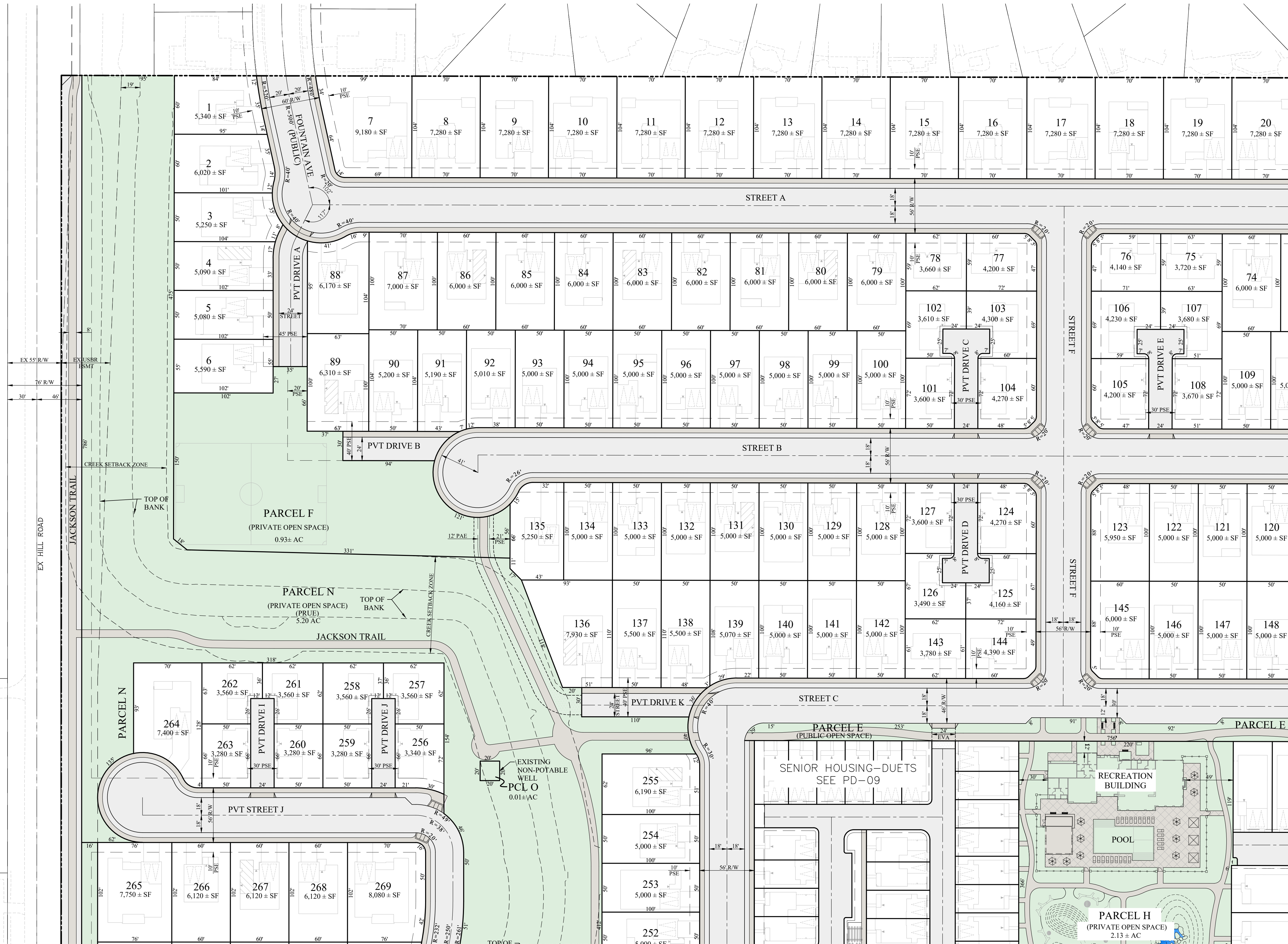


JOB NO. 202013-001
DATE NOV. 2021
SCALE AS SHOWN



A4.3

PLOT DATE: March 22, 2023
FILE PATH: W:\ubs 20\202013 - New Horizons\Drawings\Prelim\Applications\Planned Development (PD)\9 LOTTING PLAN-PD.dwg



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

SITE PLAN - NORTHWEST



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-09

ZA2021-0001



NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

SITE PLAN - NORTHEAST

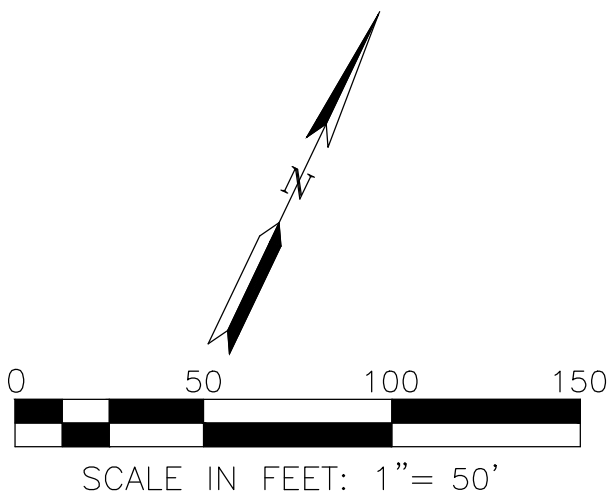
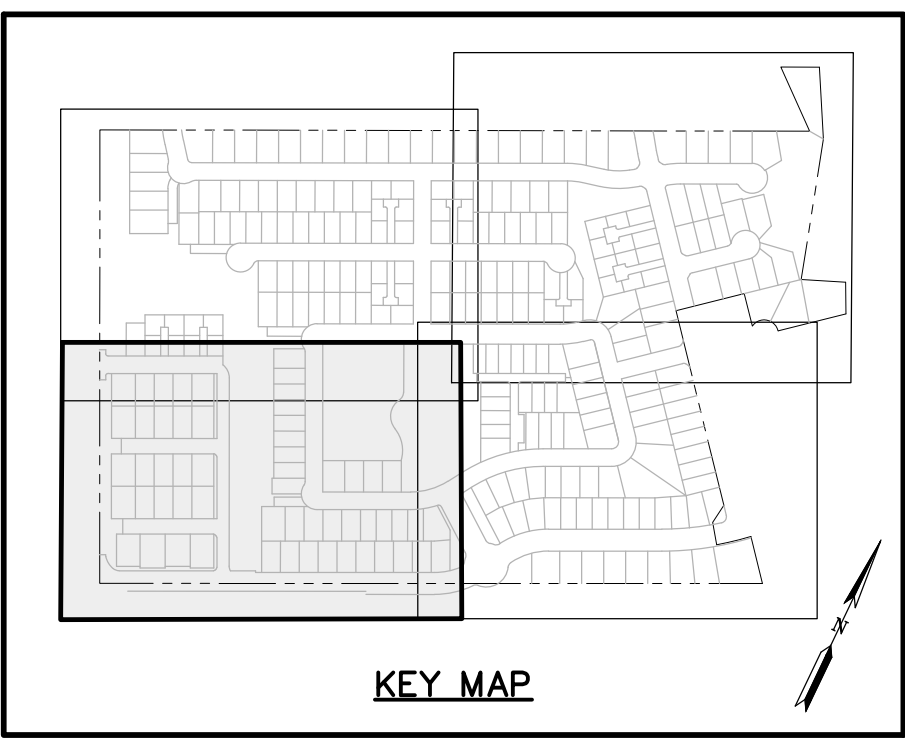


JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-10

ZA2021-0001

PLOT DATE: March 22, 2023
FILE PATH: W:\Jobs 20\202013 - New Horizons\Drawings\Prelim\Applications\Planned Development (PD)\11 LOTTING PLAN-PD.dwg



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

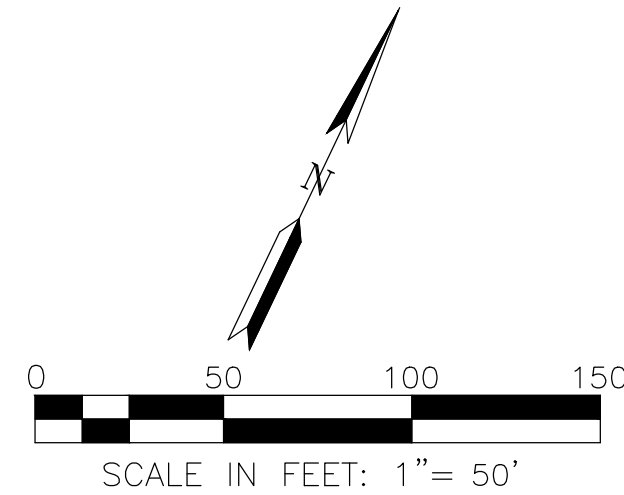
SITE PLAN - SOUTHWEST



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-11

ZA2021-0001



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

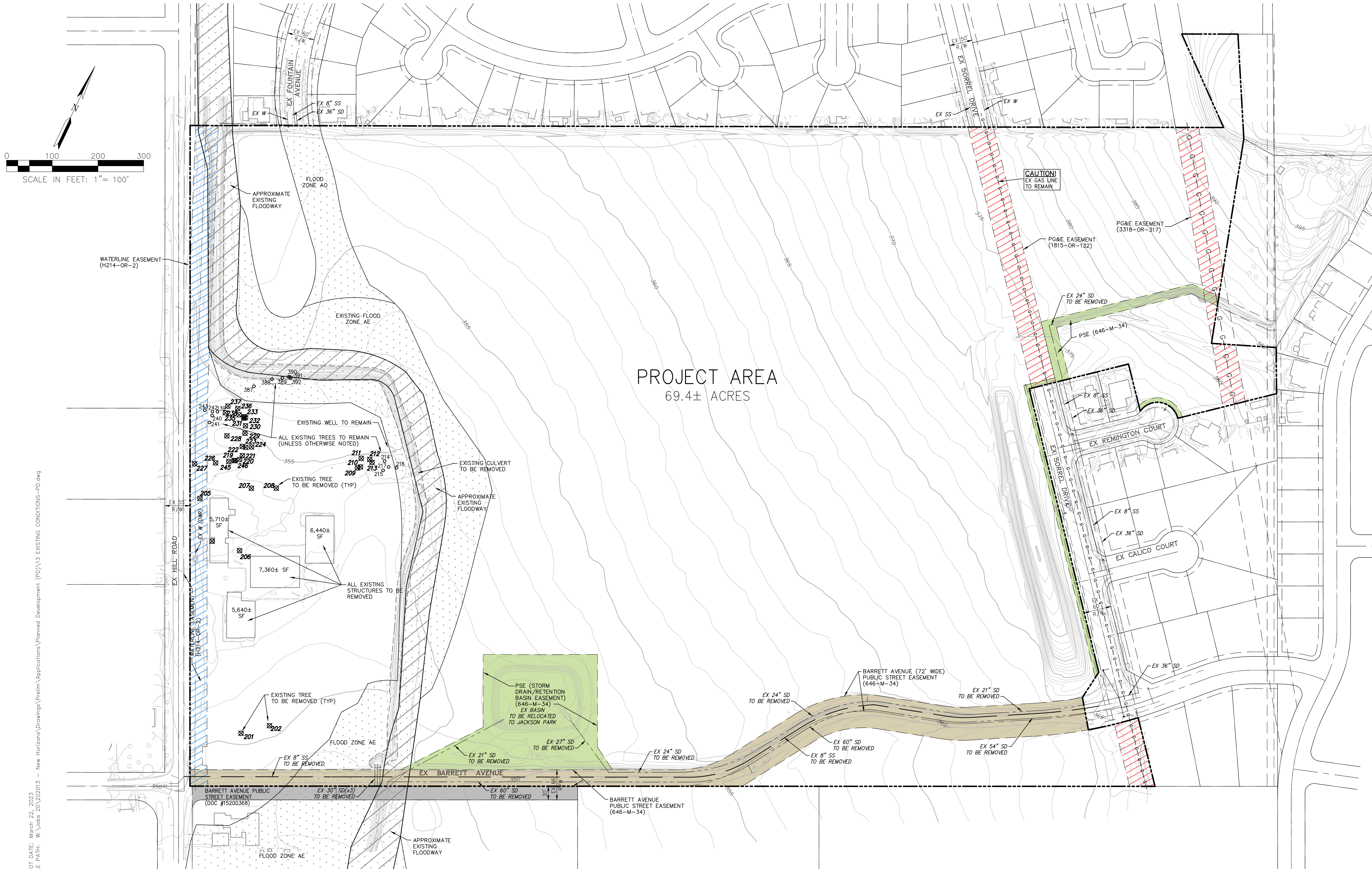
SITE PLAN - SOUTHEAST



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-12

ZA2021-0001



		Trunk Diameter In Inches	Morgan Hill Tree
Tree #	Common Name	DBH	Yes / No
200	Italian Cypress	8 @ 6"	No
201	Red Ironbark	22	Yes
202	Red Ironbark	23	Yes
203	Hollywood Juniper	18	Yes
204	Hollywood Juniper	16 / 12	Yes
205	English Walnut	12	No
206	Japanese Privet	14	Yes
207	Red Ironbark	20	Yes
208	Red Ironbark	19	Yes
209	Black Walnut	17 / 10	Yes
210	Almond	8 / 7	No
211	Almond	20	Yes
212	Coast Live Oak	13 / 11	Yes
213	Coast Live Oak	8	Yes
214	Almond	6 / 5	No
215	Coast Live Oak	12 / 12	Yes
216	Coast Live Oak	14	Yes
217	Coast Live Oak	8	Yes
218	Valley Oak	11 / 8 / 8	Yes
219	Coast Live Oak	24	Yes
220	Coast Live Oak	12	Yes
221	Coast Live Oak	6	Yes
222	Coast Live Oak	7	Yes
223	Coast Live Oak	18 Below Fork	Yes
224	Coast Live Oak	20	Yes
225	Coast Live Oak	8	Yes
226	Coast Live Oak	30 - Below Fork	Yes
227	Italian Cypress	8 @ 6"	No
228	Evergreen Ash	25	Yes
229	Coast Live Oak	17 @ 24"	Yes
230	Coast Live Oak	12	Yes
231	Coast Live Oak	8	Yes
232	Coast Live Oak	17	Yes
233	Coast Live Oak	10	Yes
234	Phum	10	No
235	English Hawthorne	5 / 4	No
236	Coast Live Oak	17	Yes
237	Coast Live Oak	28	Yes
238	Coast Live Oak	8 / 7 / 7 / 6	Yes
239	Coast Live Oak	15	Yes
240	Coast Live Oak	24- Below Fork	Yes
241	Japanese Privet	10	Yes
242	Coast Live Oak	7	Yes
243	Monterey Pine	26- Below Fork	Yes
244	Fremont Cottonwood	22	Yes
245	Coast Live Oak	17	Yes
246	Coast Live Oak	20- Below Fork	Yes

- TREE LEGEND**
- 241 ○ TREE TO REMAIN (PROTECT IN PLACE)
- 228 ✕ TREE TO BE REMOVED

- NOTES**
1. REFER TO THE ARBORIST'S REPORT FOR THIS PROJECT: INVENTORY OF EXISTING TREES, MORGAN HILL DEVELOPMENT COMPANY, HILL AVENUE AND BARRETT AVENUE, MORGAN HILL, CA., PREPARED BY MICHAEL L. BENCH, CONSULTING ARBORIST, DATED MAY 9, 2017, FOR MORE INFORMATION.
2. FEMA FLOOD ZONES SHOWN SIZES AND LOCATIONS SHOWN ARE APPROXIMATE.
3. LOCATION OF THE EXISTING DEPARTMENT OF WATER RESOURCE: LINE SHOWN IS APPROXIMATE.

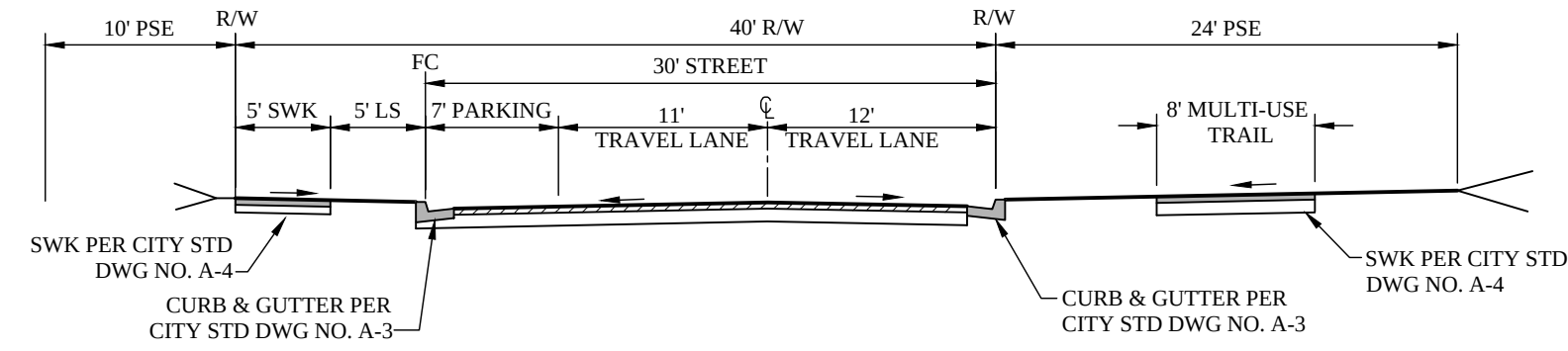
NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

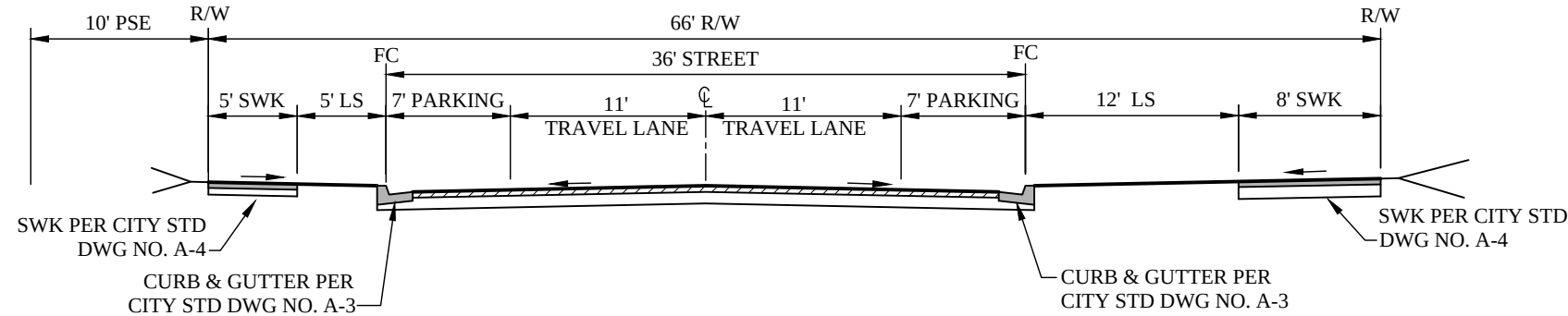
PD-13
ZA2021-0001

PLOT DATE: March 23, 2023
 FILE PATH: W:\Jobs 20\202013 - New Horizons\Drawings\Prelim\Applications\Planned Development (PD)\14- STREET SECTIONS-PD.dwg



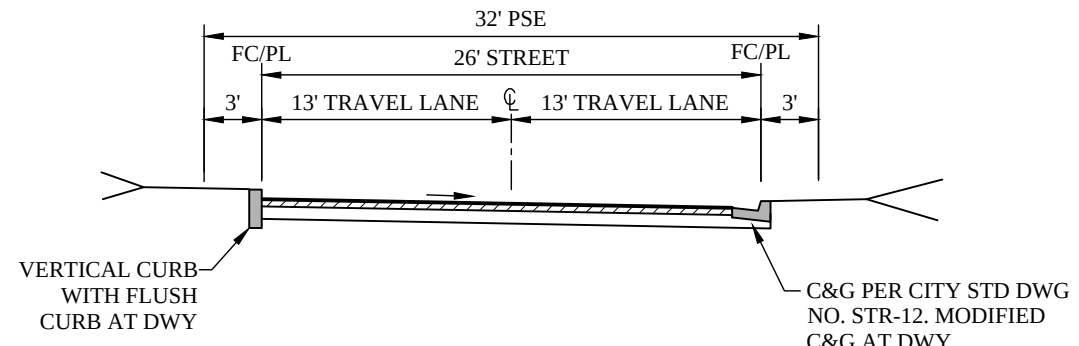
(F)
 40' STREET (PUBLIC)
 (PARKING ONE SIDE)
 NO SCALE

STREET C



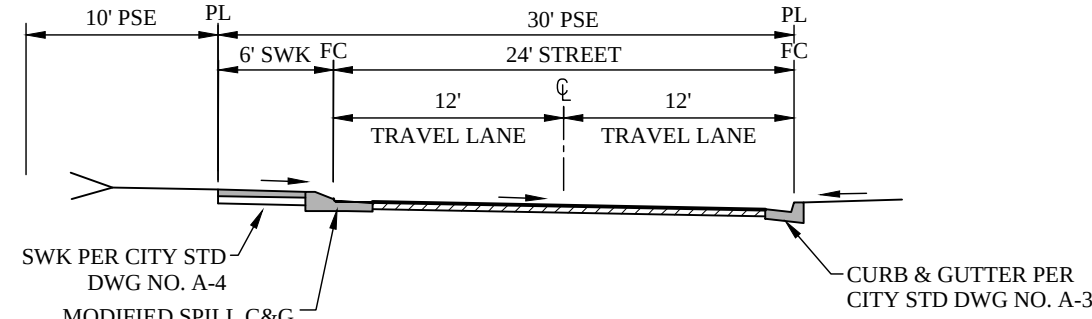
(G)
 66' STREET (PUBLIC)
 (PARKING BOTH SIDES)
 NO SCALE

COURT A



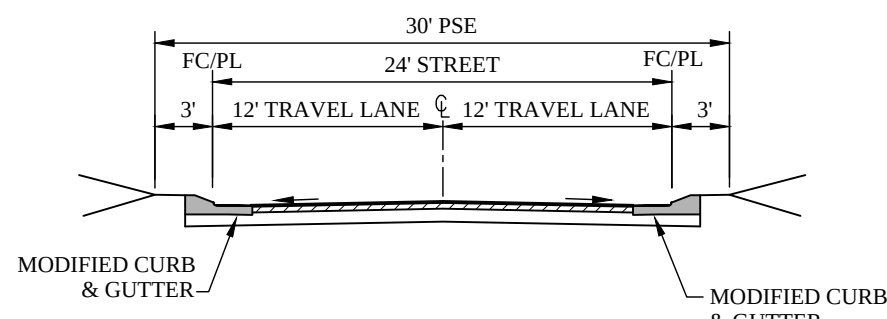
(H)
 26' STREET (PRIVATE)
 (NO PARKING)
 NO SCALE

PRIVATE DRIVE M, Q, & R



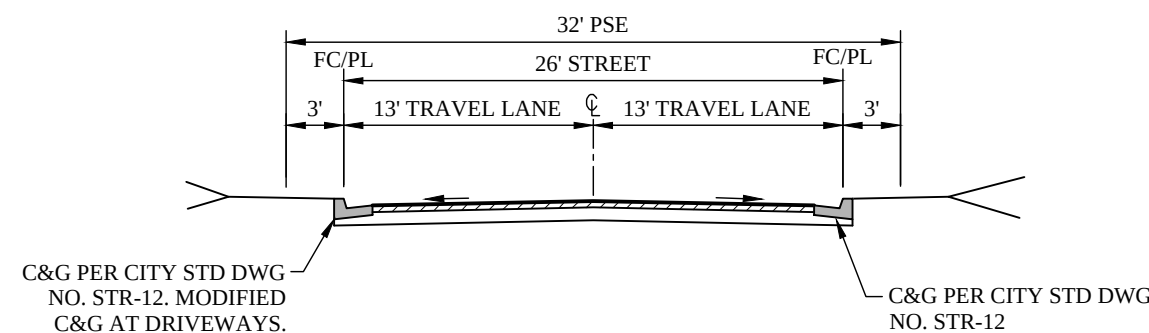
(I)
 24' STREET (PRIVATE)
 NO SCALE

PRIVATE DRIVE B & K



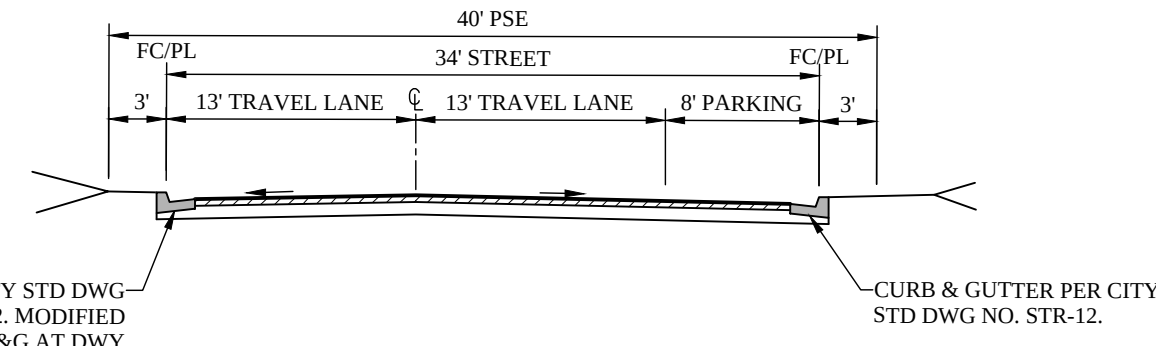
(J)
 24' STREET (PRIVATE)
 (NO PARKING)
 NO SCALE

PRIVATE DRIVES C THROUGH J



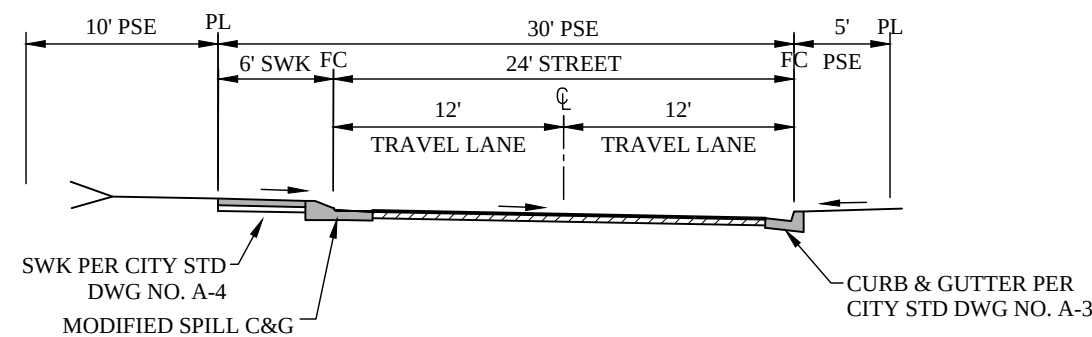
(K)
 26' STREET (PRIVATE)
 (NO PARKING)
 NO SCALE

PRIVATE DRIVE N THROUGH P



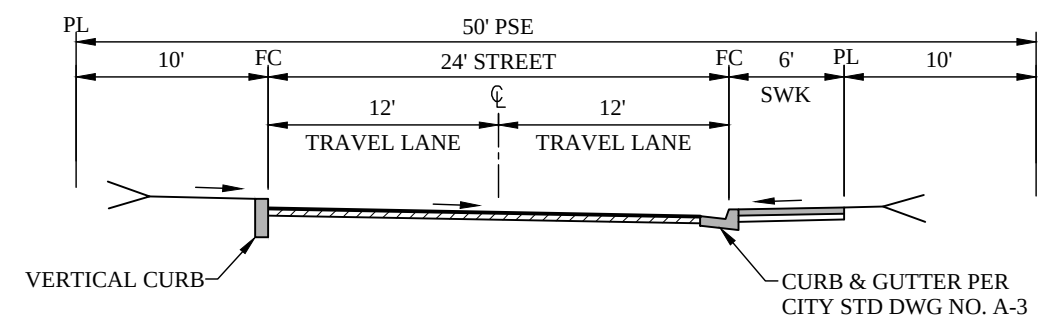
(L)
 34' STREET (PRIVATE)
 (PARALLEL PARKING ONE SIDE)
 NO SCALE

PRIVATE DRIVE N & P



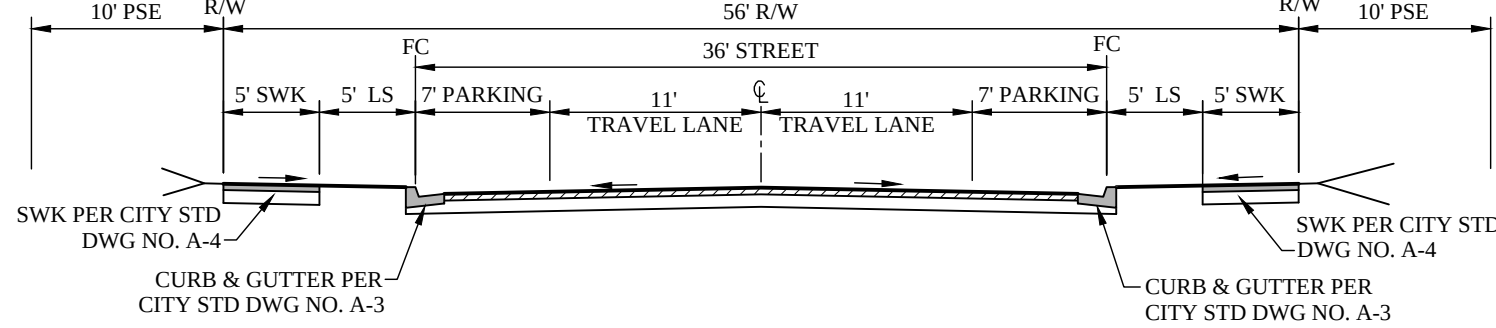
(M)
 24' STREET (PRIVATE)
 NO SCALE

PRIVATE DRIVE A



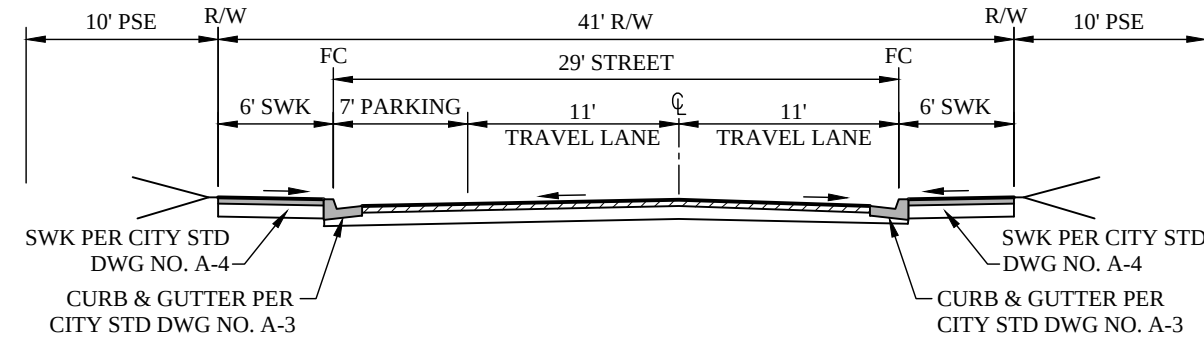
(N)
 24' STREET (PRIVATE)
 NO SCALE

PRIVATE DRIVE L



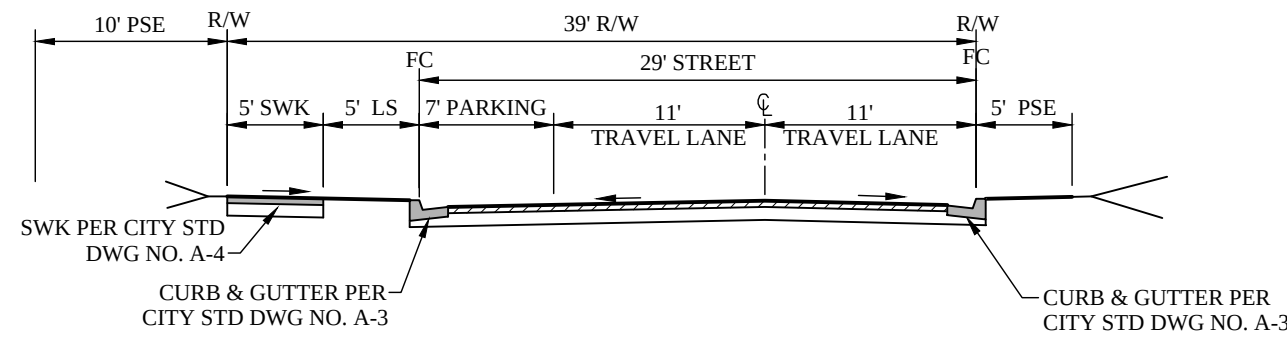
(A)
 56' STREET (PUBLIC)
 (PARKING BOTH SIDES)
 NO SCALE

STREETS A THROUGH H
PRIVATE STREET J



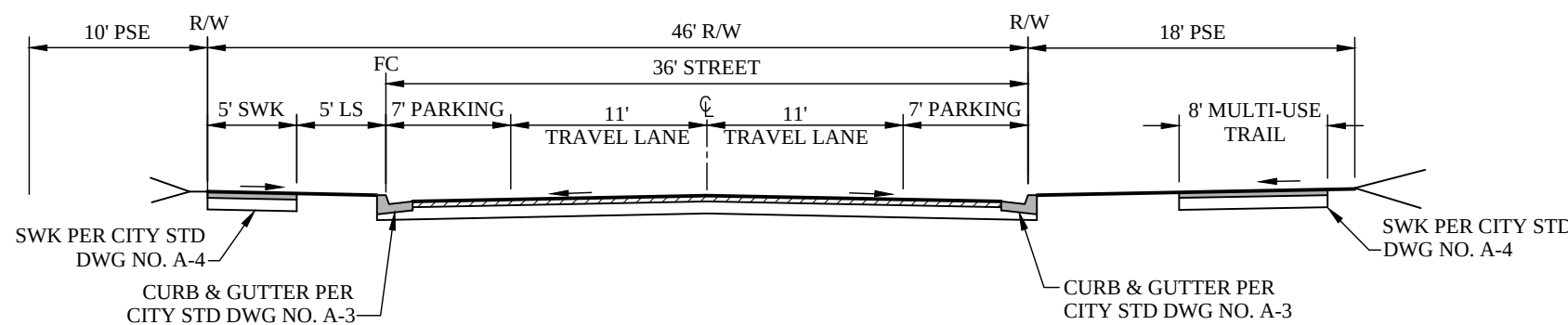
(C)
 49' STREET (PRIVATE)
 (PARKING ONE SIDE)
 NO SCALE

PRIVATE STREET K
PRIVATE STREET L



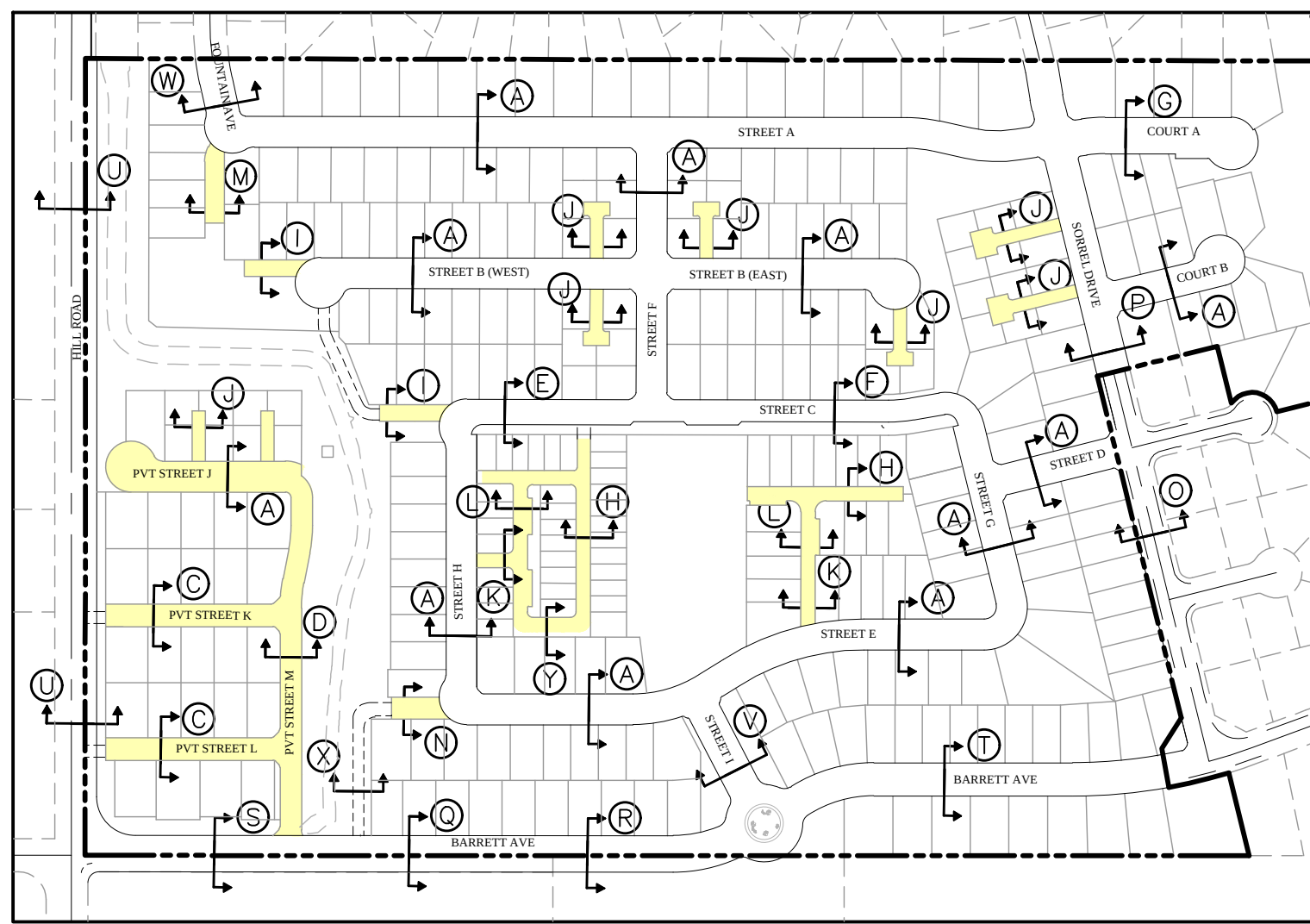
(D)
 39' STREET (PRIVATE)
 (PARKING ONE SIDE)
 NO SCALE

PRIVATE STREET M



(E)
 46' STREET (PUBLIC)
 (PARKING BOTH SIDES)
 NO SCALE

STREET C



KEY MAP

PRIVATE STREETS

NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

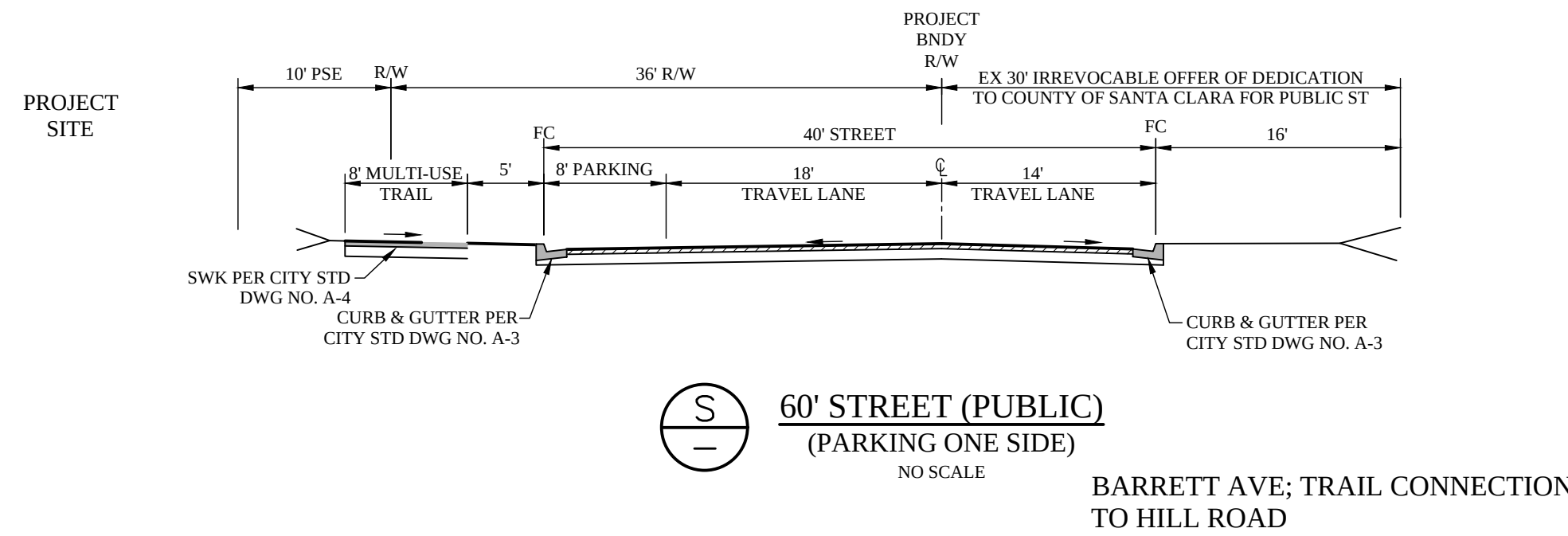
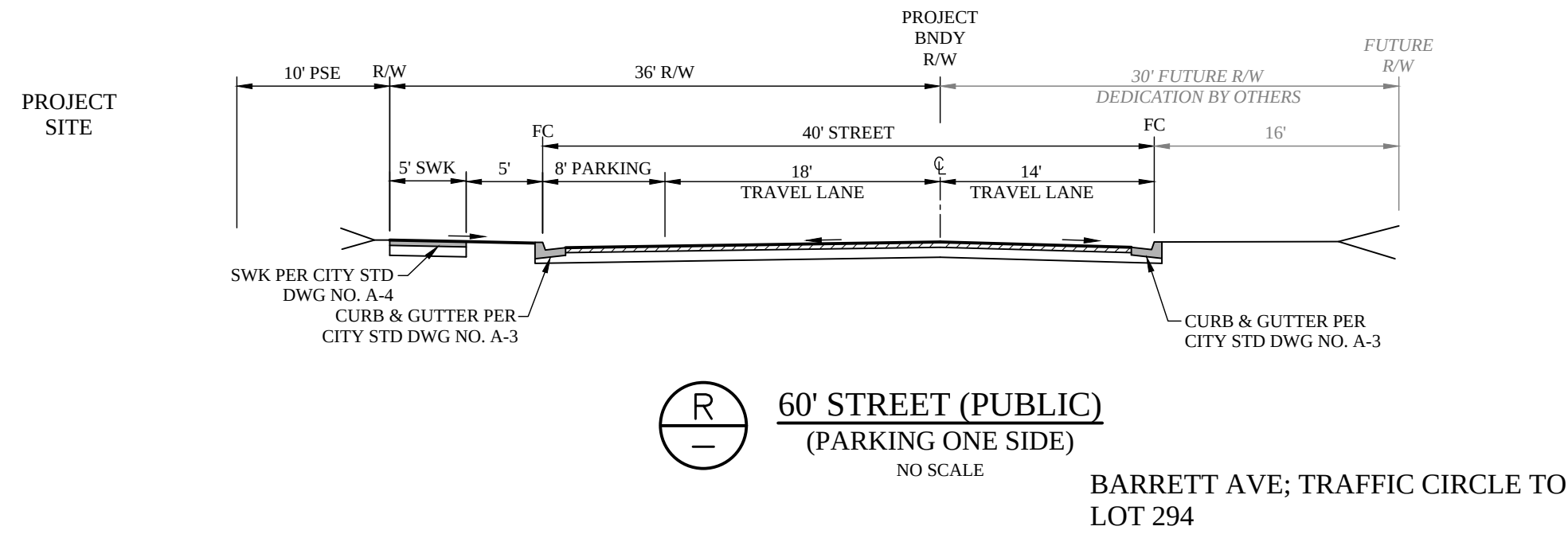
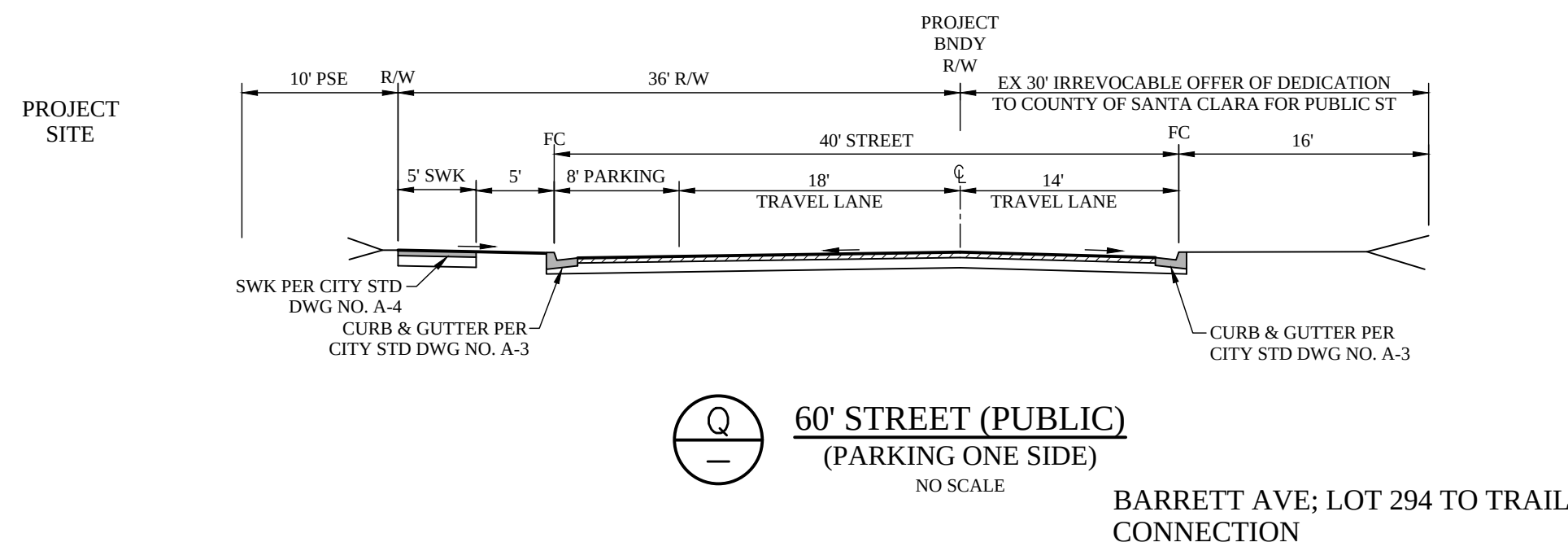
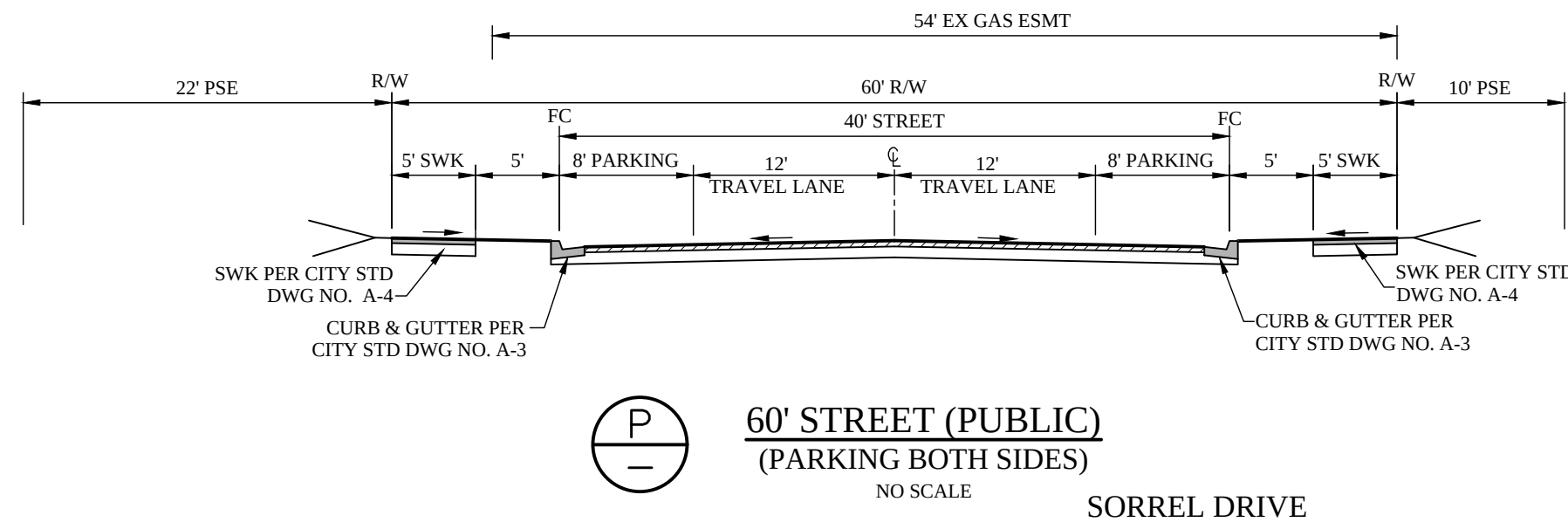
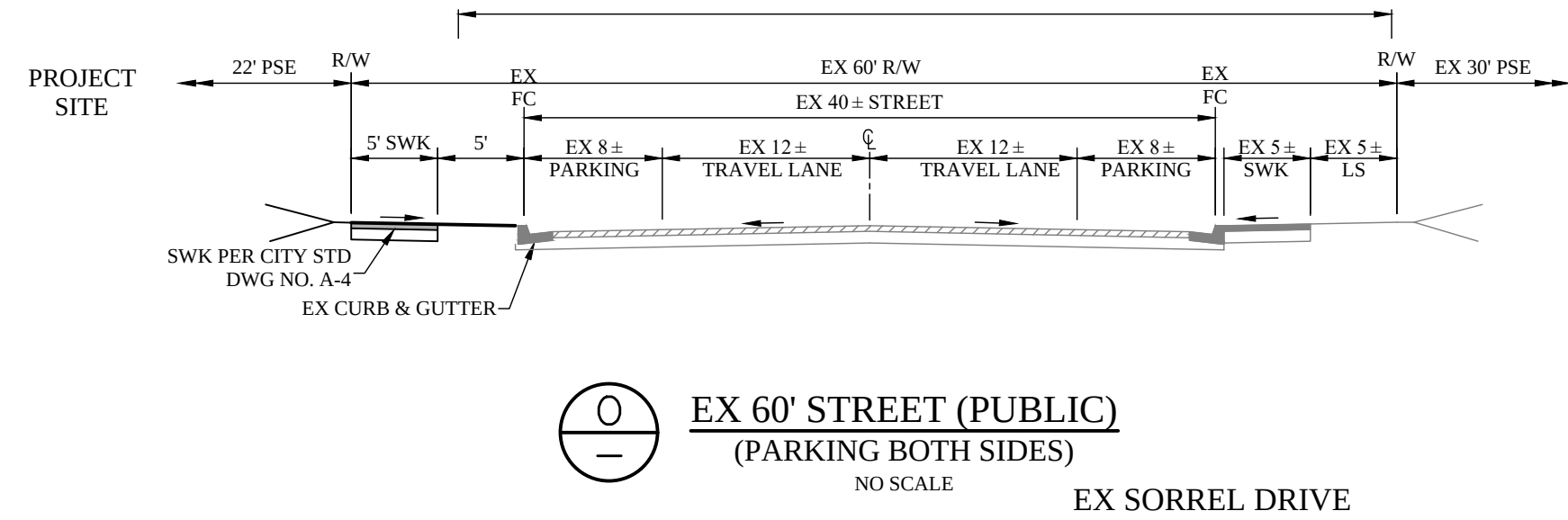
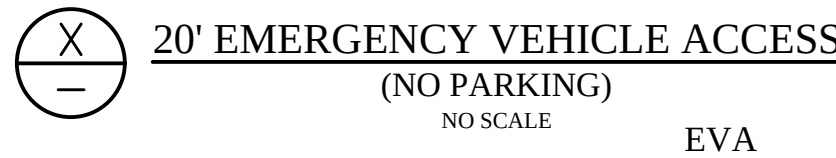
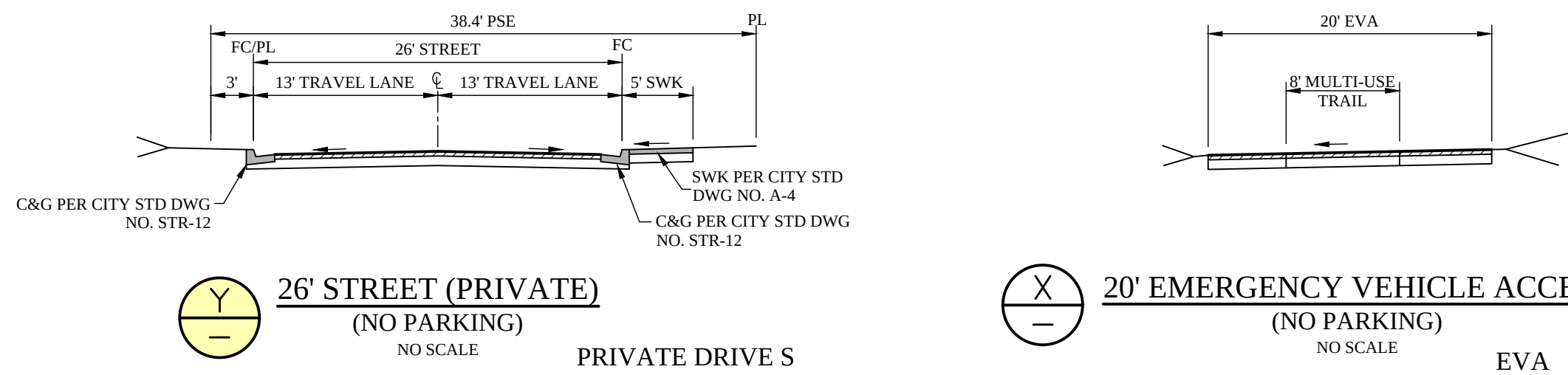
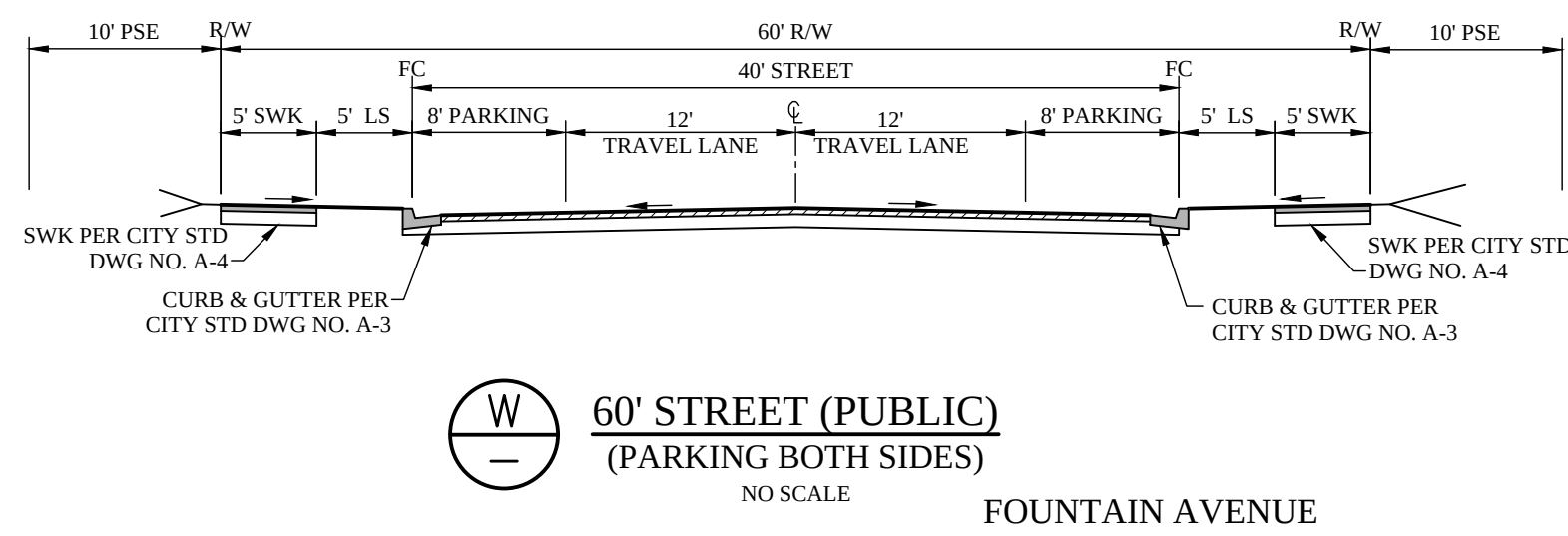
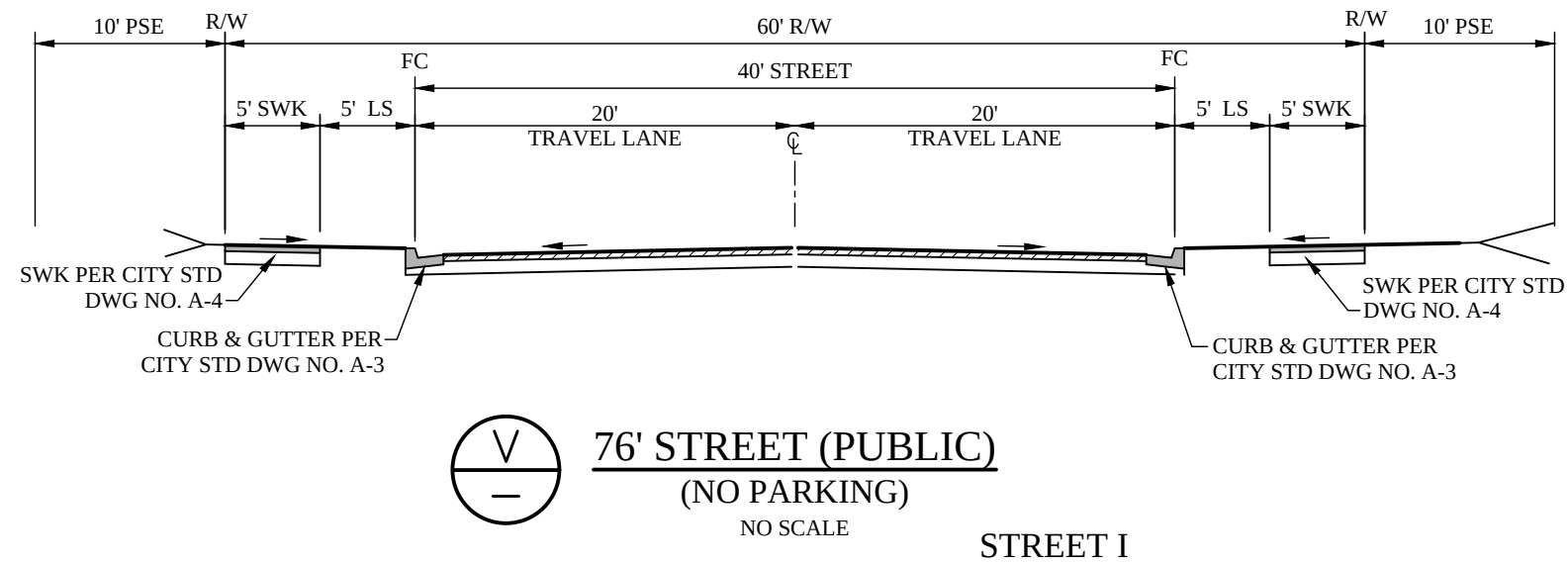
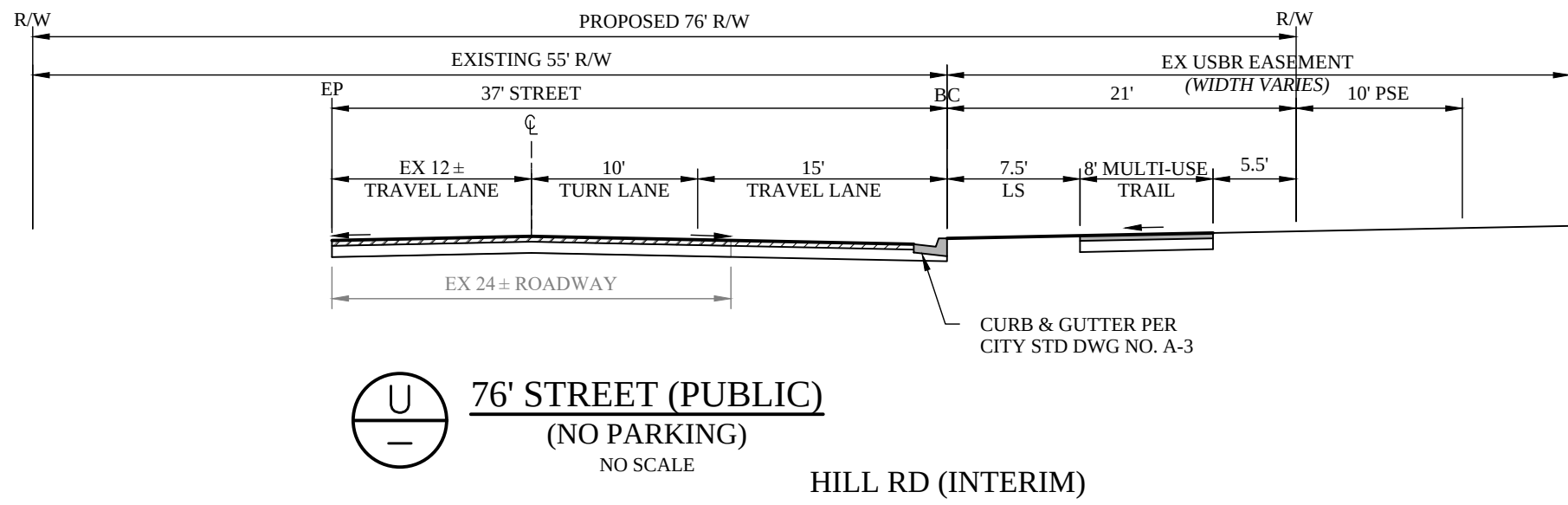
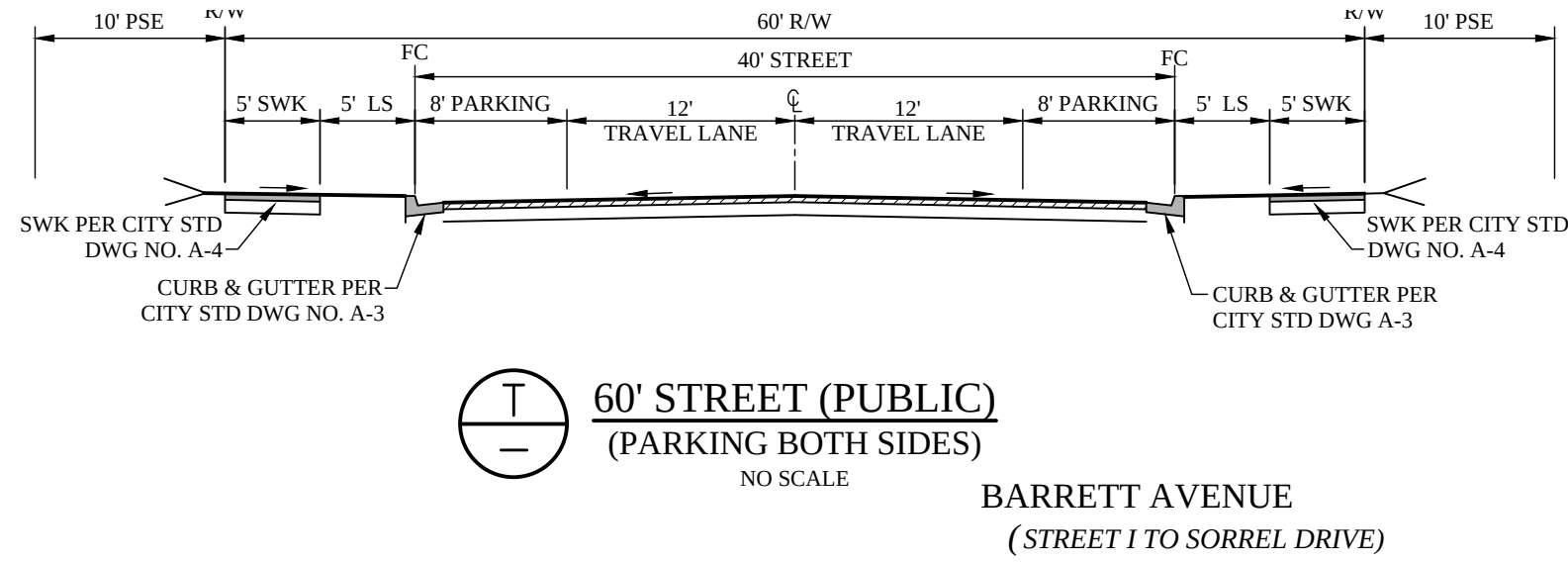


JOB NO. 202013-001
 DATE 3/24/2023
 SCALE AS SHOWN

PD-14

ZA2021-0001

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NEW HORIZONS AT MORGAN HILL BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
 DATE 3/24/2023
 SCALE AS SHOWN

PD-15
 ZA2021-0001

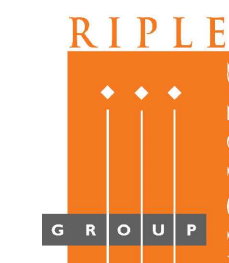


1. ALL PROPOSED GRADES SHOWN ON THIS PRELIMINARY GRADING PLAN ARE PRELIMINARY AND SUBJECT TO REFINEMENT DURING FINAL DESIGN.
2. TREE NUMBERS REFER TO THE ARBORIST'S REPORT FOR THIS PROJECT. SEE REPORT FOR MORE INFORMATION.

P 357.8	APPROXIMATE PAD ELEVATION
≥ 352.6	APPROXIMATE SPOT ELEVATION
	SLOPE
	POSSIBLE RETAINING WALL
	ANTICIPATED STREET SLOPE
	EMERGENCY OVERLAND RELEASE
	APPROXIMATE LIMITS OF MASS/ROUGH GRADING
	EXISTING CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	TREE TO SAVE (PROTECT IN PLACE)
	TREE TO BE REMOVED

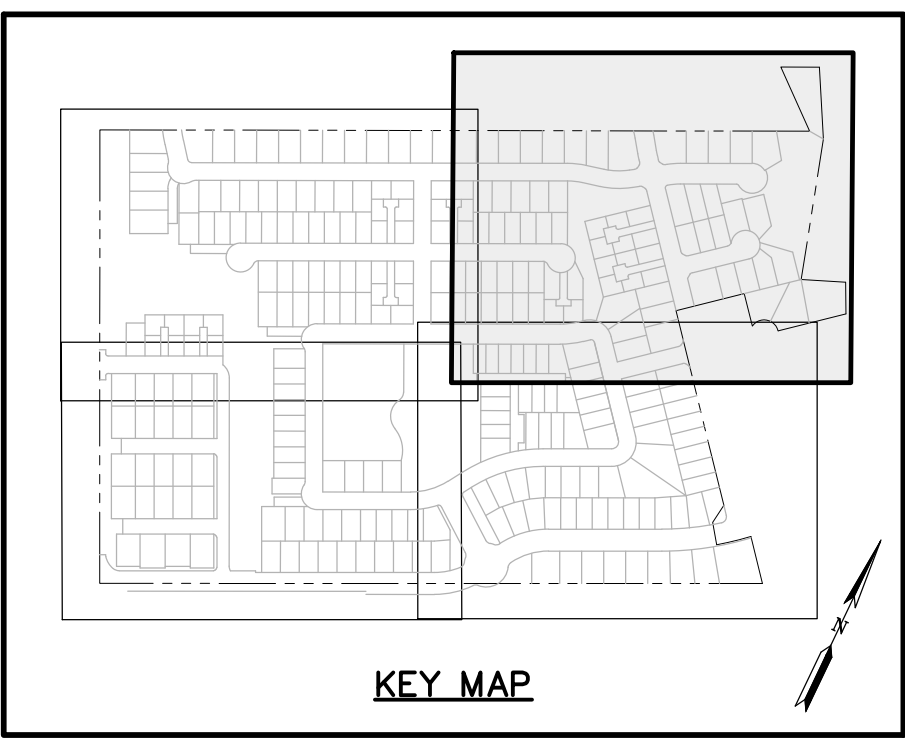


BY MORGAN HILL DEVCO, LLC



PD-16

Page 395 of 716

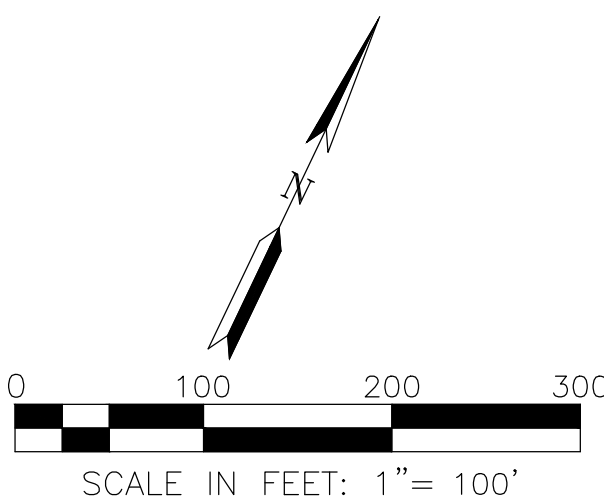


GRADING NOTES

1. ALL PROPOSED GRADES SHOWN ON THIS PRELIMINARY GRADING PLAN ARE PRELIMINARY AND SUBJECT TO REFINEMENT DURING FINAL DESIGN.
2. TREE NUMBERS REFER TO THE ARBORIST'S REPORT FOR THIS PROJECT. SEE REPORT FOR MORE INFORMATION.

GRADING LEGEND

- | | |
|---------|--|
| P 357.8 | APPROXIMATE PAD ELEVATION |
| 352.6 | APPROXIMATE SPOT ELEVATION |
| 1.5% | SLOPE |
| 1.5% | POSSIBLE RETAINING WALL |
| 1.5% | ANTICIPATED STREET SLOPE |
| 1.5% | EMERGENCY OVERLAND RELEASE |
| 1.5% | APPROXIMATE LIMITS OF MASS/ROUGH GRADING |
| 350 | EXISTING CONTOUR |
| 355 | PROPOSED MINOR CONTOUR |
| 241 | PROPOSED MAJOR CONTOUR |
| 226 | TREE TO SAVE (PROTECT IN PLACE) |
| 226 | TREE TO BE REMOVED |



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001

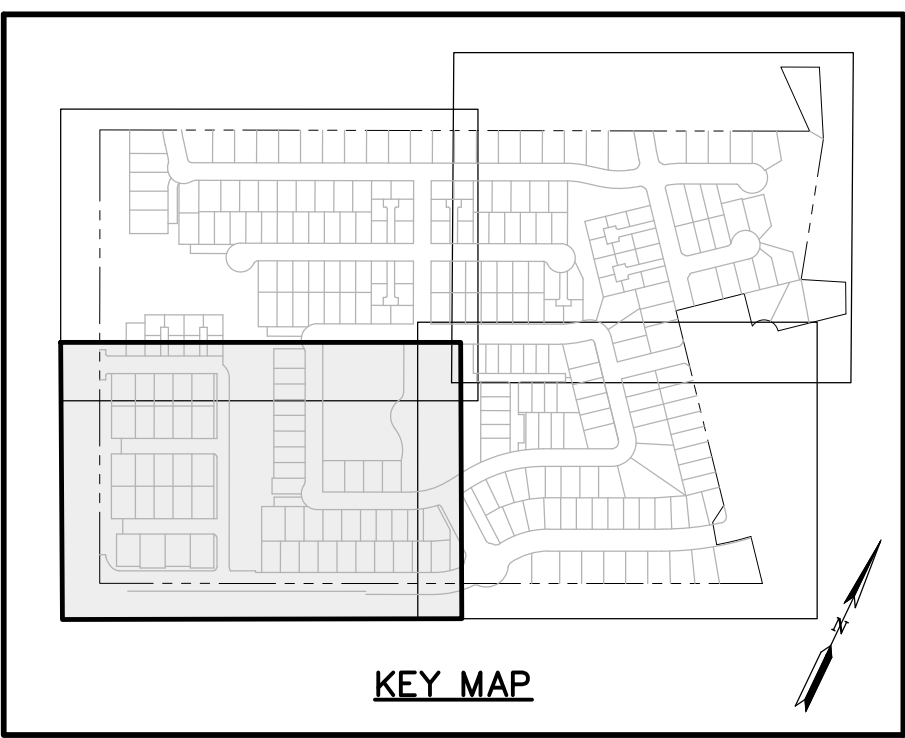
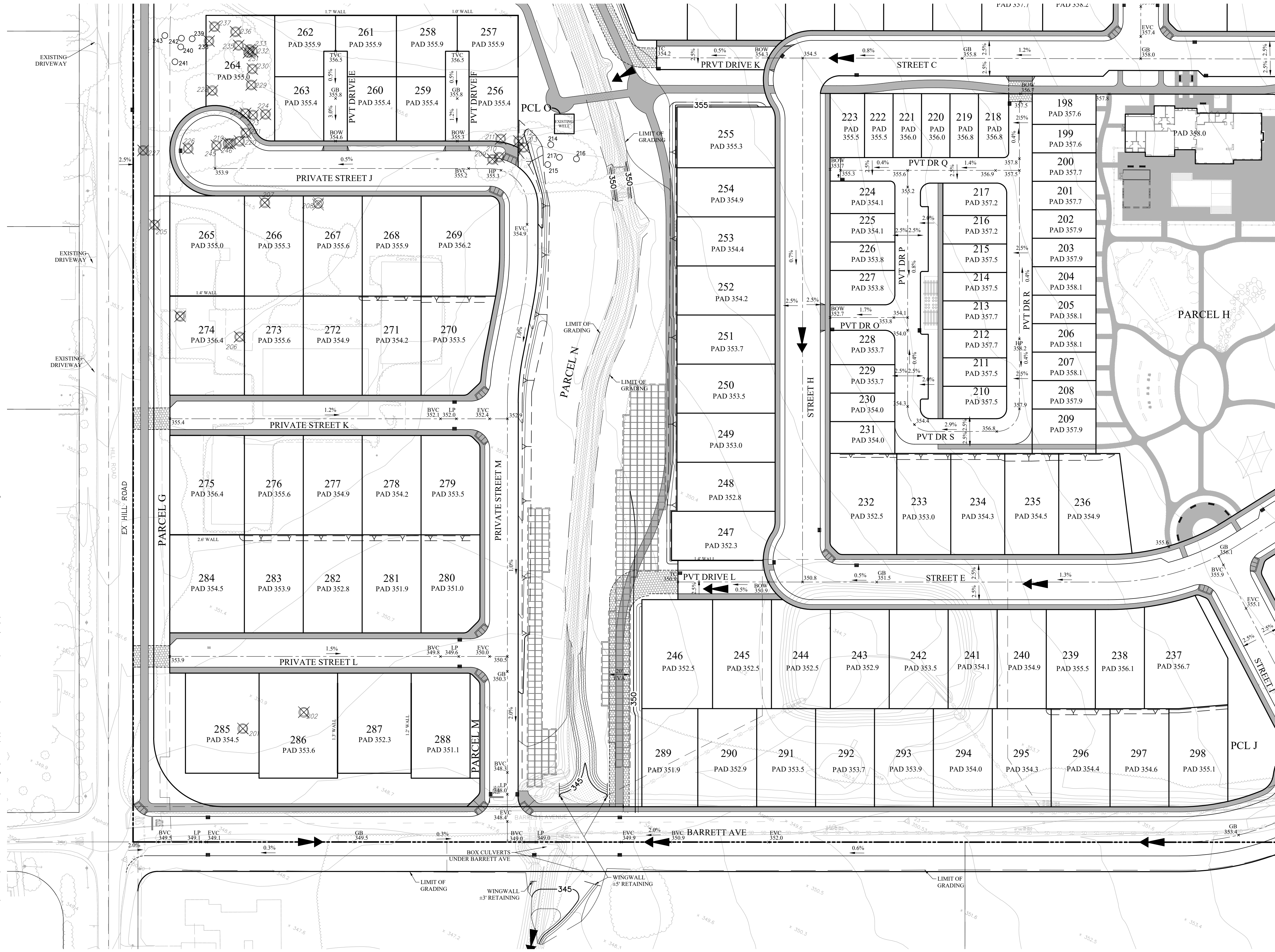
DATE 3/24/2023

SCALE AS SHOWN

PD-17

ZA2021-0001

PLOT DATE: March 23, 2023
FILE PATH: W:\Jobs 20\202013 - New Horizons\Drawings\Prelim\Applications\Planned Development (PD)\18 PRELIMINARY GRADING PLAN-PD.dwg

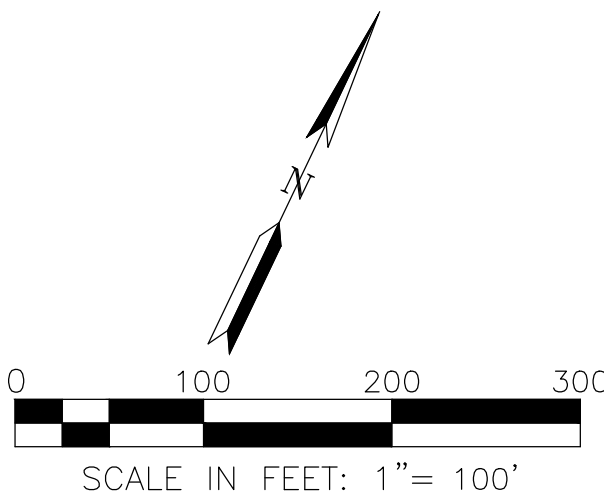


GRADING NOTES

- ALL PROPOSED GRADES SHOWN ON THIS PRELIMINARY GRADING PLAN ARE PRELIMINARY AND SUBJECT TO REFINEMENT DURING FINAL DESIGN.
- TREE NUMBERS REFER TO THE ARBORIST'S REPORT FOR THIS PROJECT. SEE REPORT FOR MORE INFORMATION.

GRADING LEGEND

- | | |
|---------|--|
| P 357.8 | APPROXIMATE PAD ELEVATION |
| 352.6 | APPROXIMATE SPOT ELEVATION |
| 1.5% | SLOPE |
| 1.5% | POSSIBLE RETAINING WALL |
| 1.5% | ANTICIPATED STREET SLOPE |
| 1.5% | EMERGENCY OVERLAND RELEASE |
| 1.5% | APPROXIMATE LIMITS OF MASS/ROUGH GRADING |
| 1.5% | EXISTING CONTOUR |
| 1.5% | PROPOSED MINOR CONTOUR |
| 1.5% | PROPOSED MAJOR CONTOUR |
| 241 | TREE TO SAVE (PROTECT IN PLACE) |
| 226 | TREE TO BE REMOVED |



NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC

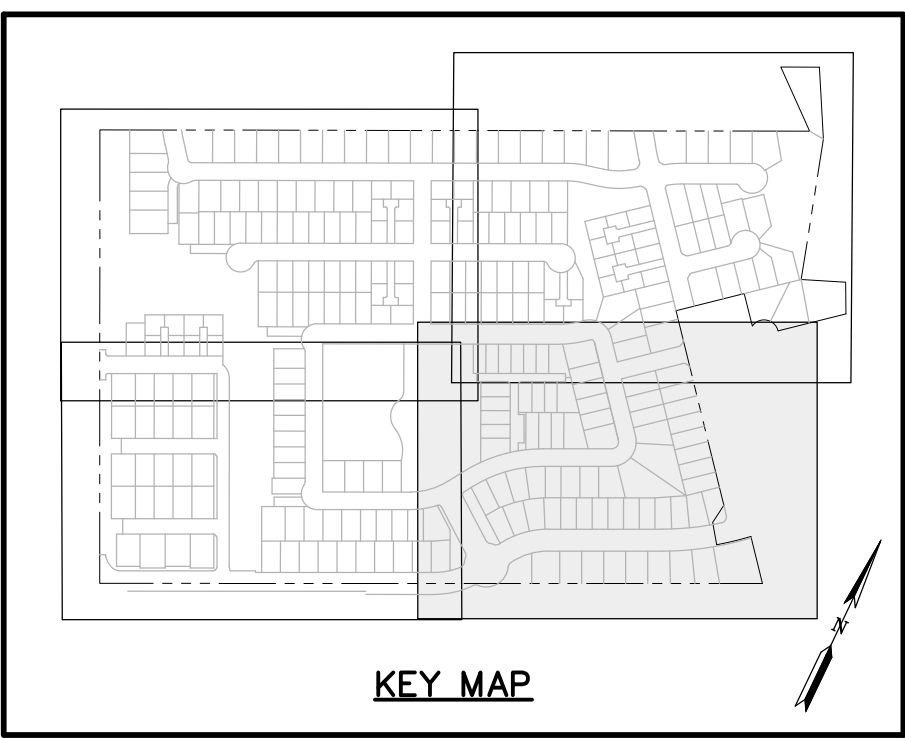
PRELIMINARY GRADING - SOUTHWEST



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-18

ZA2021-0001

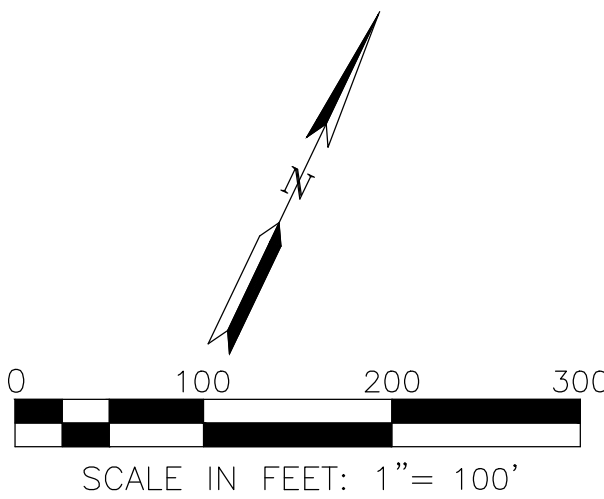


GRADING NOTES

1. ALL PROPOSED GRADES SHOWN ON THIS PRELIMINARY GRADING PLAN ARE PRELIMINARY AND SUBJECT TO REFINEMENT DURING FINAL DESIGN.
2. TREE NUMBERS REFER TO THE ARBORIST'S REPORT FOR THIS PROJECT. SEE REPORT FOR MORE INFORMATION.

GRADING LEGEND

- P 357.8 APPROXIMATE PAD ELEVATION
- 352.6 APPROXIMATE SPOT ELEVATION
- SLOPE
- POSSIBLE RETAINING WALL
- 1.5% ANTICIPATED STREET SLOPE
- EMERGENCY OVERLAND RELEASE
- APPROXIMATE LIMITS OF MASS/ROUGH GRADING
- EXISTING CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- 241 TREE TO SAVE (PROTECT IN PLACE)
- 226 TREE TO BE REMOVED



NEW HORIZONS AT MORGAN HILL
BY MORGAN HILL DEVCO, LLC

PRELIMINARY GRADING - SOUTHEAST

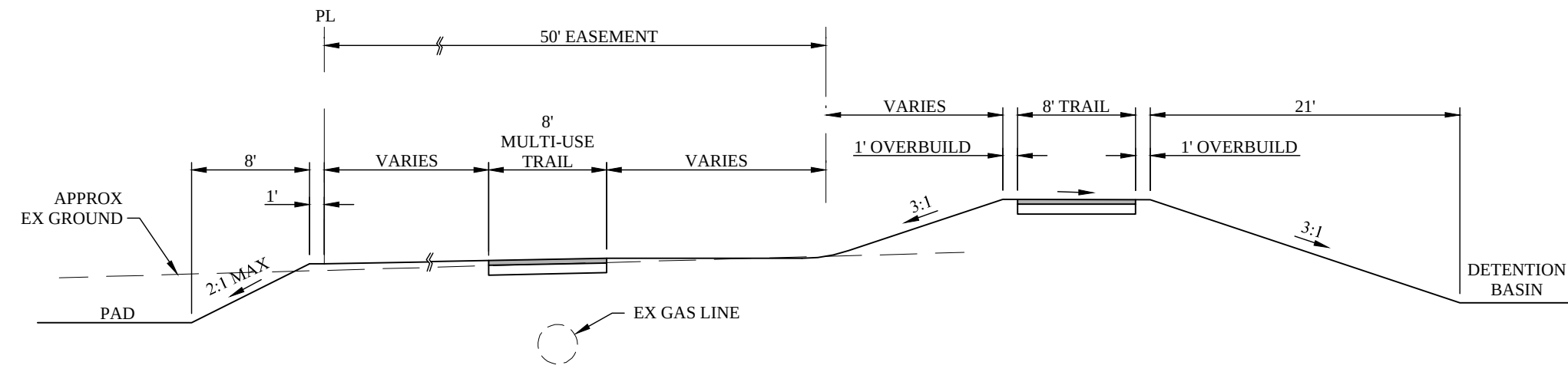


JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

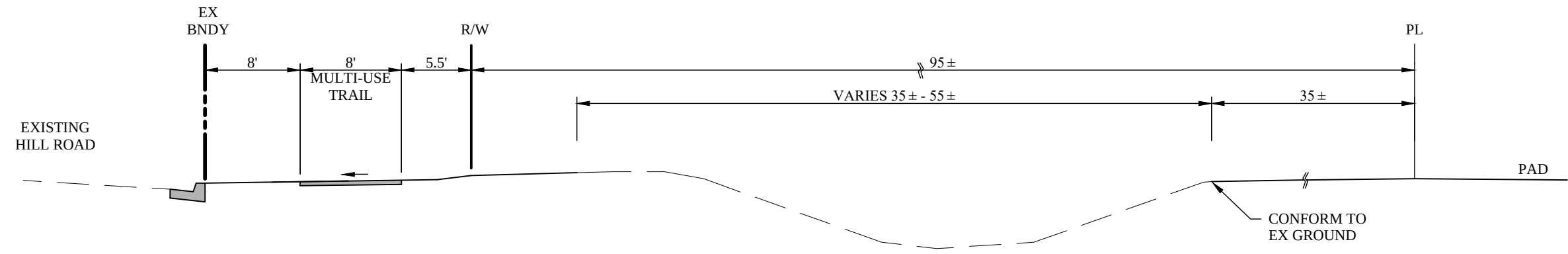
PD-19

ZA2021-0001

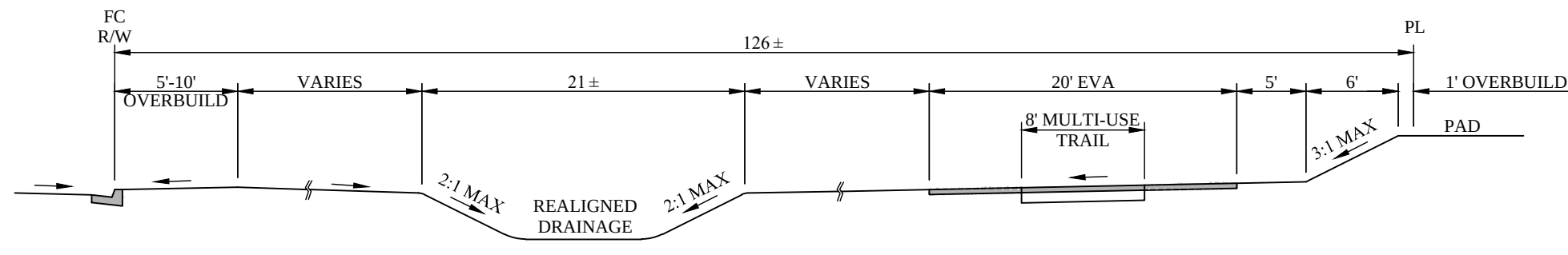
PLOT DATE: March 23, 2023
FILE PATH: W:\Jobs 20\202013 - New Horizons\Drawings\Prelim\Applications\Planned Development (PD)\20 PRELIMINARY GRADING SECTIONS-PD.dwg



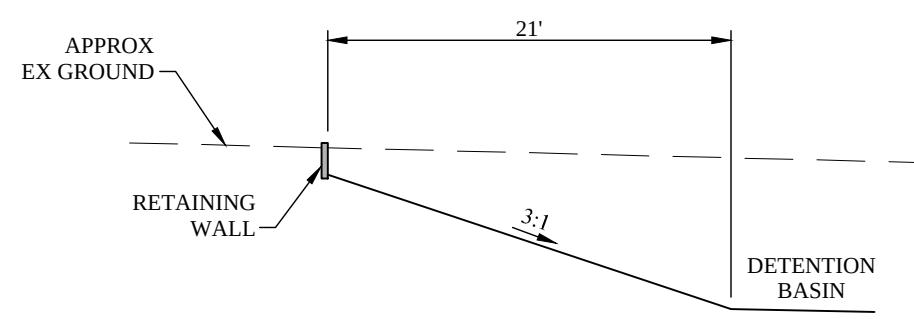
GRADING SECTION 6



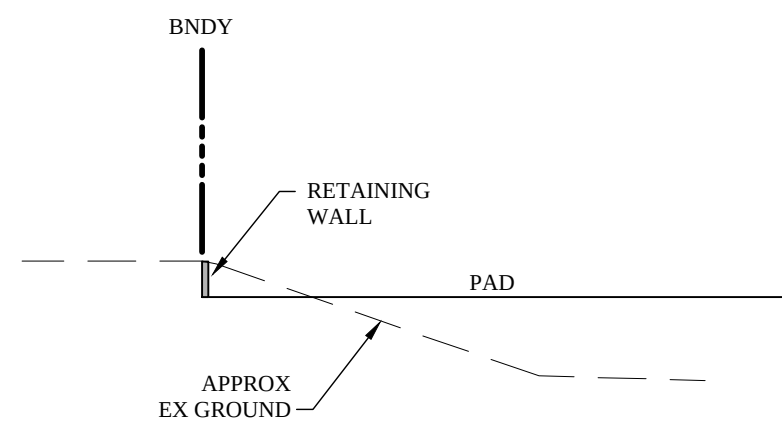
GRADING SECTION 1



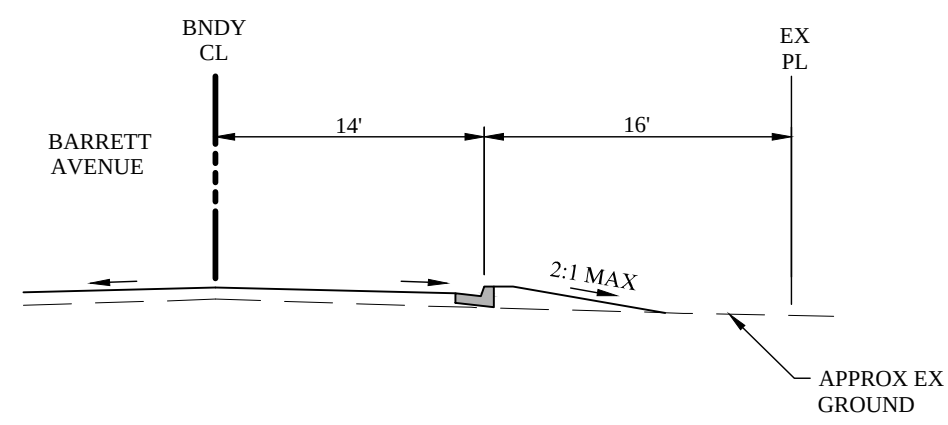
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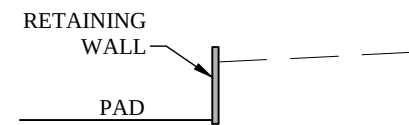
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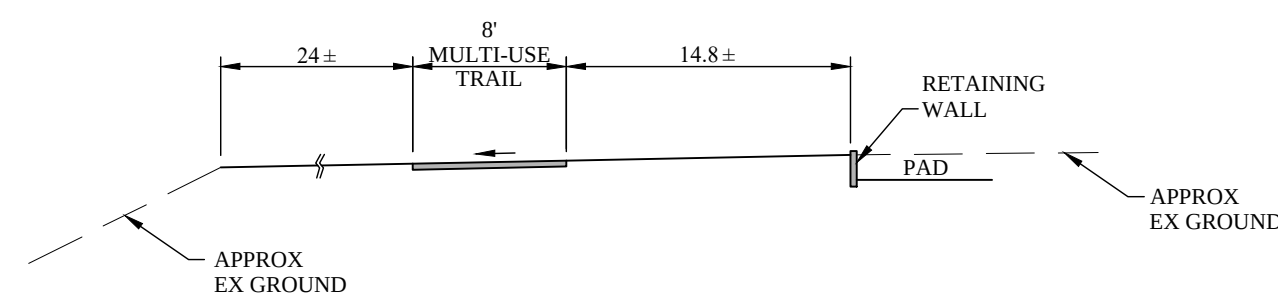
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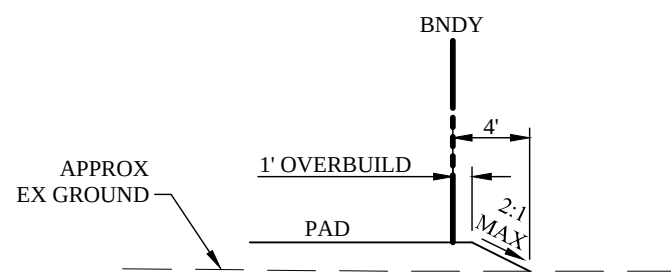
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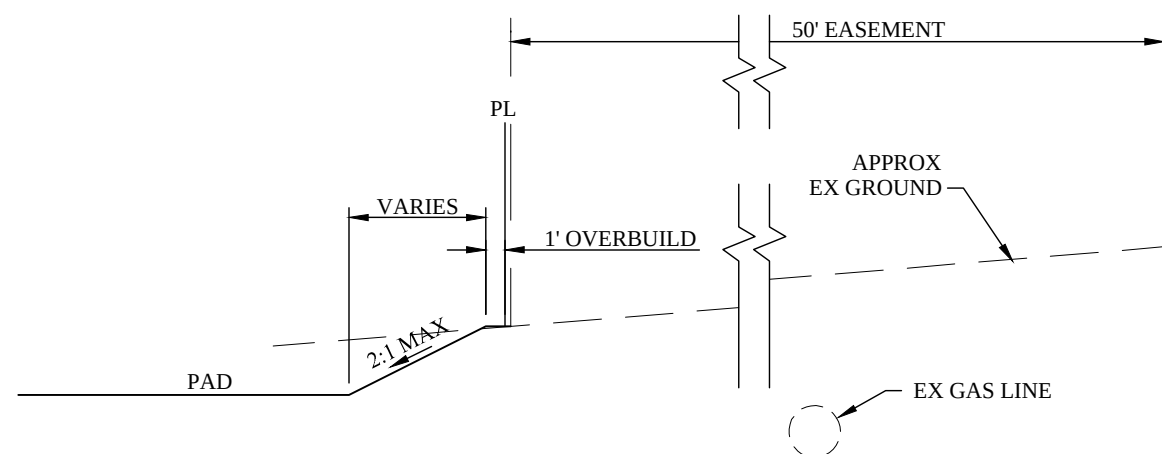
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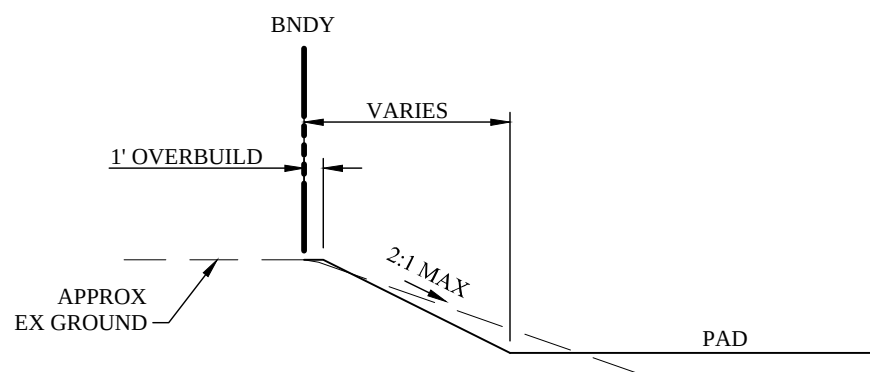
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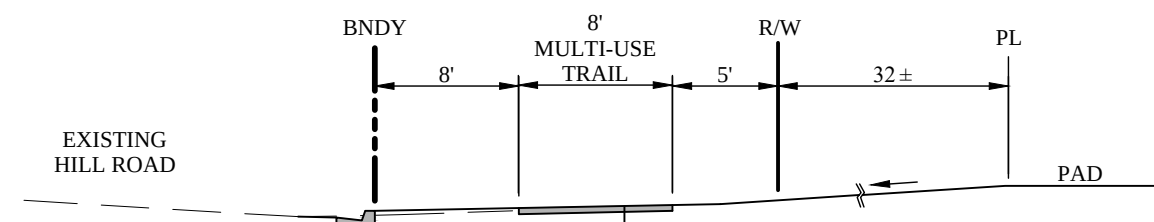
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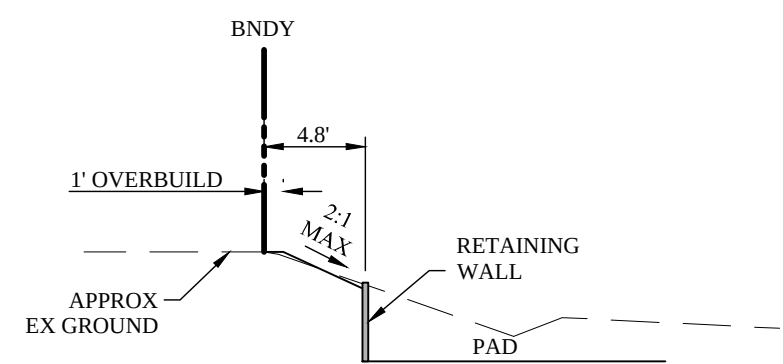
GRADING SECTION 9



GRADING SECTION 4



GRADING SECTION 10



GRADING SECTION 5

PRELIMINARY GRADING SECTIONS
NO SCALE

GRADING SECTIONS

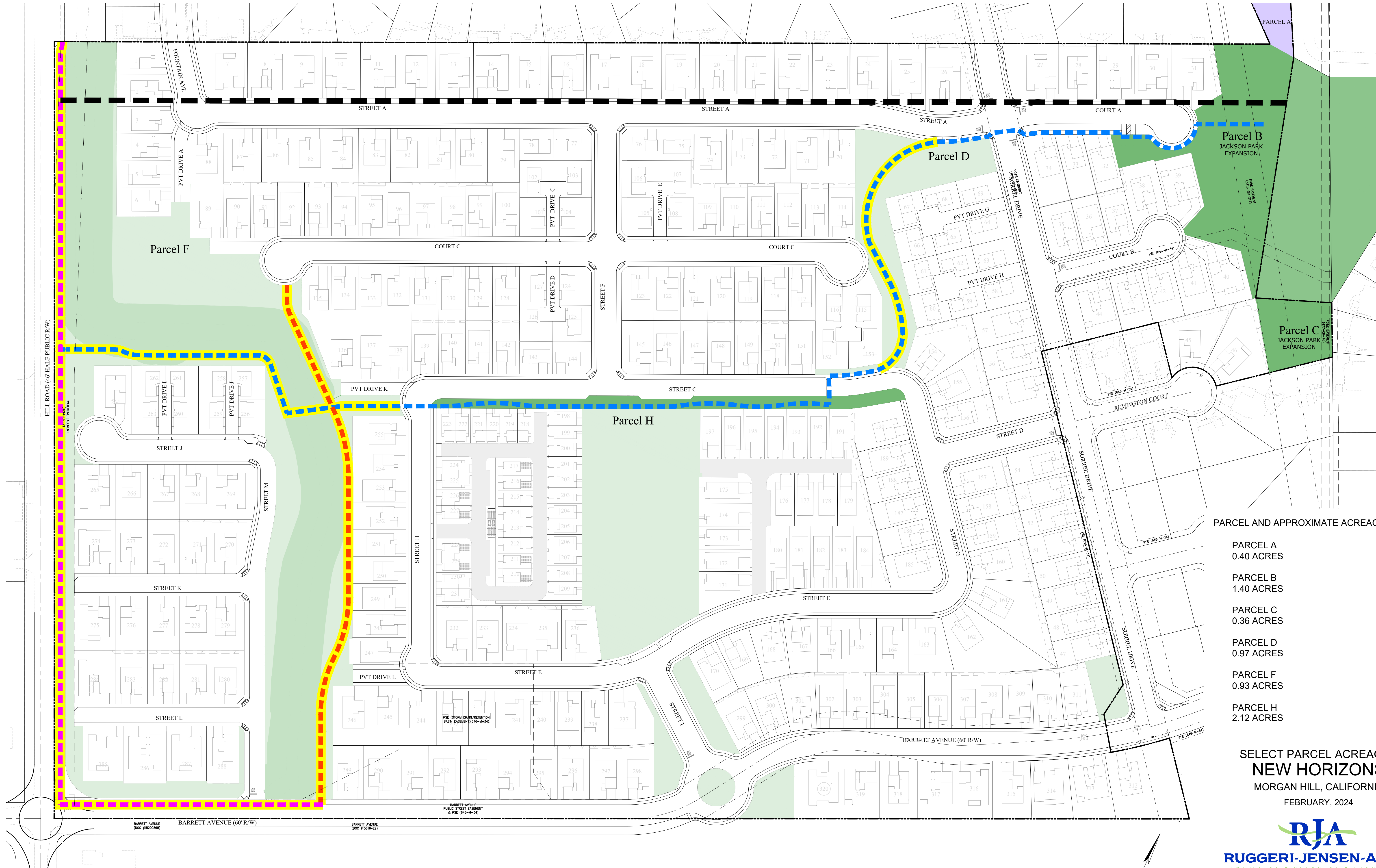
NEW HORIZONS AT MORGAN HILL

BY MORGAN HILL DEVCO, LLC



JOB NO. 202013-001
DATE 3/24/2023
SCALE AS SHOWN

PD-20
ZA2021-0001



PARCEL AND APPROXIMATE ACREAGE

- PARCEL A
0.40 ACRES
- PARCEL B
1.40 ACRES
- PARCEL C
0.36 ACRES
- PARCEL D
0.97 ACRES
- PARCEL F
0.93 ACRES
- PARCEL H
2.12 ACRES

SELECT PARCEL ACREAGES
NEW HORIZONS
MORGAN HILL, CALIFORNIA
FEBRUARY, 2024



RESOLUTION NO. 24-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING DENIAL OF A ZONING AMENDMENT FOR A PLANNED DEVELOPMENT AND ASSOCIATED MASTER PLAN (ZA2021-0001) FOR A 69.43-ACRE SITE LOCATED AT THE NORTHEAST QUADRANT OF HILL ROAD AND BARRETT AVENUE (APN: 817-20-031)

WHEREAS, New Horizons, Hill – Morgan Hill Devco proposes to develop the 69.43-acre property located on the northeast quadrant of Hill Road and Barrett Avenue, identified by Assessor Parcel Number 817-20-031, with 320 new residential lots including a variety of unit types ranging from single-family detached units to multi-family attached units (Zoning Amendment ZA2021-0001); and

WHEREAS, said development proposes establishment of a Planned Development (PD) combining district which requires the approval of a Zoning Map Amendment and the establishment of a PD Master Plan; and

WHEREAS, said development is located in an area of the City identified by the State Housing and Community Development Department as a racially concentrated area of affluence; and

WHEREAS, the City's Inclusionary Housing Ordinance aims to provide rent and sale price restricted affordable housing to encourage an economically balanced and inclusive community; and

WHEREAS, the Inclusionary Housing Ordinance requires builders of new market-rate housing to include some housing affordable to households at a range of incomes to create an adequate supply of housing for persons at all income levels and serves the goal of mixed-income housing; and

WHEREAS, the Inclusionary Housing Ordinance's Development Standards requires inclusionary units to be dispersed among the project's product types, proportionate in number among each of the product types that comprise the development and to be geographically and proportionally dispersed; and

WHEREAS, said development proposes 223 Single Family Residential units, 42 Courtyard Homes, 21 Senior Cottages and 34 Senior Family Attached units for a total project unit count of 320 units; and

WHEREAS, said development intends to construct 33 Below Market Rate (BMR) units clustered together in the Senior Family Attached, 6 BMR units in the Courtyard Homes, and to pay an in-lieu fee for the 9 remaining units, where the City's Inclusionary Housing Ordinance requires said development to construct 48 BMR units evenly distributed across each product type and geographically and proportionally dispersed, requiring 34 Single Family Residential units, 6 Courtyard Homes, 3 Senior Cottages and 5 Senior Family Attached units for a total BMR project count of 48 units; and

WHEREAS, Section 18.114.040 of the Morgan Hill Municipal Code requires that the Planning Commission make a recommendation to the City Council regarding the Zoning Map Amendment to establish a Planned Development Combining District based on the findings specified in Section 18.114.060; and

WHEREAS, Section 18.30.050H.5 of the Morgan Hill Municipal Code requires that the Planning Commission make a recommendation to the City Council regarding the Planned Development and associated Master Plan based on findings specified in Section 18.303.050.H.7; and

WHEREAS, such request was considered by the Planning Commission at its regular meeting of September 24, 2024; 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 Planned Development and Master Plan does not meet the requirements of the City's Inclusionary Housing Ordinance (IHO) nor is it consistent with the City's Housing Element.

The State of California requires cities to adopt programs that "affirmatively further fair housing" in "racially concentrated areas of affluence" or RCAAs. The Planned Development proposed by the applicant is not in compliance with the City's fair housing objectives. The proposed number, type and distribution of affordable units does not meet the minimum affordability levels in the City's IHO. The City has a long-standing commitment to providing affordable housing options for both moderate and lower-income families guided by its General Land Use Plan and its Housing Element – this is accomplished through the implementation of the IHO. This project provides single family detached homes, courtyard homes, senior cottages, and single family attached homes and is not providing the required number of units with the required proportional and geographic disbursement requirement across all product types. Projects that do not

comply with the IHO are not providing their fair share of affordable housing in the community.

The lack of consistency with the IHO makes the proposal inconsistent with the General Plan and Municipal Code as a whole.

SECTION 9. Planning Commission recommends denial of Zoning Amendment application ZA2021-0001: New Horizons (Hill – Morgan Hill Devco) project and the Planned Development Standards and Planned Development Master Plan.

PASSED AND ADOPTED THIS 24th DAY OF SEPTEMBER 2024, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

JENNA LUNA, Deputy City Clerk

APPROVED:

LIAM DOWNEY, Chair

Date: _____

PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 24, 2024

PREPARED BY:

Tiffany Brown, Associate Planner

APPROVED BY: Jennifer Carman

SR2024-0003/EA2024-0001: TENNANT - TEN SOUTH ACQUISITIONS, REQUEST FOR A DESIGN PERMIT TO ALLOW FOR THE CONSTRUCTION OF A RENTAL PROJECT THAT CONSISTS OF 259 MULTI-FAMILY ATTACHED RESIDENTIAL UNITS ON AN 11.26-ACRE SITE. THE PROPERTY, IDENTIFIED BY ASSESSORS PARCEL NUMBER 817-08-032, IS LOCATED ON THE SOUTHEAST CORNER OF BUTTERFIELD BOULEVARD AND TENNANT AVENUE AT 740 TENNANT AVENUE.

RECOMMENDATION(S)

1. Open/Close the public hearing; and
2. Adopt a Resolution approving a Design Permit for a new residential project.

LOCATION MAP/PROJECT INFORMATION:



- | | | |
|----|---------------|---|
| 1. | Location: | Southeast Corner of Butterfield Boulevard and Tennant Avenue at 740 Tennant Avenue (APN:817-08-032) |
| 2. | Site Area: | 11.26-Acres |
| 3. | General Plan: | Commercial Industrial |
| 4. | Zoning: | Highway Commercial with Planned Unit Development (CH/PUD) |
| 5. | Request: | Request to construct 259 rental units |

BACKGROUND:

Government Code section 65589.5(d)(5) is known as the "Builder's Remedy" provision of

California's Housing Accountability Act (HAA) that allows developers to bypass local General Plan and Zoning laws to build housing projects, even if those projects do not comply with the City Zoning Ordinance or General Plan. Applicants who utilize Builder's Remedy are required to file applications under the SB330 process but use Builder's Remedy as a tool to bypass local zoning.

In August 2023, a Preliminary SB330 Design Permit application was submitted in the form of a Builders Remedy Application for this site. Staff expressed that the City Council adopted the Housing Element prior to the project submittal and therefore believes the City is not subject to Builders Remedy Applications. However, the City received direction from the California Department of Housing (HCD) to process the application as the HCD had not yet finalized their review and certified the Housing Element. Consistent with HCD direction, Staff processed the preliminary application and accepted the formal Design Permit application on January 30, 2024. A settlement agreement between the applicant and the City was executed in June 2024. In accordance with that Settlement Agreement, and given that the provision of low-income housing units and the contribution of \$2 million is a substantial public benefit, the City Council directed staff to continue processing the application.

PROJECT DESCRIPTION:

Site Description

The project site is an undeveloped 11.26-acre site located on the southeast corner of Butterfield Boulevard and Tennant Avenue, and is adjacent to the Butterfield Channel, which is located on the west side of the project site. Access to the site is off Tennant Avenue/Laurel Road. The General Plan land use designation is Commercial Industrial and the Zoning Designation is Highway Commercial with Planned Unit Development Overlay. Pursuant to Government Code section 65589.5(d)(5) of the HAA, the City may not deny the project due to inconsistency with the General Plan or Zoning Ordinance. Because the project is not zoned for residential, there is also no applicable density standard. The project is subject to the City's objective development standards per Government Code section 65589.5(f)(1), which states that "nothing" in the HAA "shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards ...appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need." Such standards "shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development."

Project Description

The project proposes construction of a 259-unit rental residential multifamily project, associated amenities, and parking. Of the 259 units, at least 52 units (20%) would be dedicated low-income units, exceeding the City's inclusionary housing requirements. The project includes:

- Eighty-four (84) three-story townhome-style units, consisting of 14 buildings with six (6) residential units in each building;
- One hundred and seventy-five (175) apartments, housed in four-story buildings - two with sixty-eight (68) units and one with thirty-nine (39) units and a clubhouse on the first floor.
- Associated site improvements and landscaping.

The townhome units would consist of two-, three-, and four-bedroom units and the apartments would consist of one- and two-bedroom units.

The proposed townhomes would have a maximum height of approximately 37 feet; the apartment buildings fronting Tennant and Butterfield would have a maximum height of approximately 56 feet; and the clubhouse building would have a maximum height of approximately 49 feet. The apartment buildings are sited on the northern portion of the site while the townhomes are located on the southern half of the site.

Parking for the project would include a total of 453 parking spaces, with approximately 193 garage spaces and 260 surface parking spaces. Guest parking spaces are provided, approximately 45 EV-capable or EV-charging stations proposed, and over 90 bicycle parking spaces. The project would be constructed in one phase.

Surrounding Uses

	General Plan Land Use	Zoning	Existing Use
North	Residential Attached Medium	Residential Attached Medium (RAM)	Undeveloped, SB330 Residential Application processing
South	Identified as Industrial within the General Plan Sphere of Influence	Unincorporated	Mainly undeveloped land with rural single family homes
East	Commercial/Industrial	Highway Commercial with Planned Unit Development (CH/PUD)	Undeveloped
West	Commercial/Industrial	Commercial Service (CS)	Johnson Lumber Ace Hardware and Johnson Garden Center

PROJECT ANALYSIS AND FINDINGS:

ANALYSIS

The proposed project was analyzed with respect to conformance with: 1) Residential Development Design and Design Standards, and 2) Design Permit Findings.

1. Residential Development Design and Design Standards (Objective Standards)

Senate Bill 330 (SB 330), also known as the Housing Crisis Act of 2019, is a California state law that was signed into law on October 9, 2019. The law was designed to address California's housing crisis by streamlining the approval process for housing developments and giving developers more flexibility in where they can build. SB 330 has also streamlined the approval process for housing developments in Morgan Hill. Under the law, housing developments are subject to a ministerial approval process, which means that they are approved or denied based on objective criteria or standards, rather than through a discretionary process that allows for public input and debate. In response to SB330, the City adopted Residential Development Design and Design Standards (objective standards) for new housing projects. The purpose of the Residential Development Design and Development Standards (Standards) is to articulate project design requirements for all residential and mixed-use developments. These Standards are utilized in the review process by clearly stating City objectives for high quality, residential projects that are aesthetically pleasing, livable, sustainable, well-connected to neighborhood services. The Standards checklist that applies to the project is attached. The project as conditioned is found to be consistent with all applicable Objective Criteria Items listed.

2. Design Permit Findings

A design permit is a discretionary action that enables the city to ensure that proposed development exhibits high quality design consistent with the General Plan and any other applicable Specific Plan or area Plan adopted by the City Council. The design permit process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties. In accordance with Section 18.108.040 Design Permit, the Planning

Commission shall act on any design permit application for any other projects determined by the Development Services Director to be significant. A significant project per the code includes any residential development of more than 100 units and therefore this project requires Planning Commission Review. For approval of a Design Permit, the following findings shall be made:

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.

Per Government Code Section 65589.5(d)(5), the project does not have to be consistent with the General Plan.

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

The project site is zoned Highway Commercial with Planned Unit Development Overlay. Per Government Code Section 65589.5(d)(5), the project does not have to be consistent with the zoning code. The project as conditioned will meet the Zoning Code, Building Code, Fire Prevention Code, Residential Development Design and Design Standards and Engineering Standards.

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

Per Government Code Section 65589.5(d)(5), the project is not required to be consistent with the Design Review handbook as the handbook includes subjective - not objective criteria. However, the project has been reviewed for compliance with the Residential Development Design and Design Standards and is found in compliance as conditioned.

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

The project applicant invoked the *McCorkle* decision with this application. That decision states that a Design Permit, without any associated subdivision (or other discretionary approval), is ministerial and therefore not subject to CEQA per Public Resources Code, § 21080(b). (*McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80; Gov. Code § 65589.5(d)(5).) If this application was an ownership application and included individual lots or airspace, CEQA could be required.

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.

The project and circulation were designed to City standards. The project enhances circulation by completing the fourth leg of Juan Hernandez Drive down the project site and provides public access by adding sidewalks. The project will comply with stormwater and building code requirements and therefore will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to the properties or improvements in the vicinity as identified in the Phase 1 Study for the site.

f) The proposed project complies with all applicable design review criteria in Subsection H - Design Review Criteria in Chapter 18.108.040 for Design Permits.

Per Government Code Section 65589.5(d)(5), the project does not have to be consistent with the Design Review criteria as it is subjective.

g) For new residential development, the project complies with commitments made through the residential development control system (RDCS).

Commitment requirements of RDCS are suspended as a response to Government Code Section 63000, the "Housing Crisis Act of 2019".

CONCLUSION:

Residential development was not envisioned for this project site. Government Code Section 65589.5(d)(5) allows the site to be built as residential. Consistent with the settlement agreement, the project as designed and conditioned meets the Objective Criteria outlined in the Residential Development Design and Design Standards.

CEQA (California Environmental Quality Act):

A Design Permit, without any associated subdivision (or other discretionary approval), is ministerial and therefore not subject to CEQA per Public Resources Code, § 21080(b). (*McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80; Gov. Code, § 65589.5(d)(5).)

COMMUNITY ENGAGEMENT:

The proposed project was publicly noticed (mailed to property owners within 300 feet of the Project and newspaper legal notice) for the minimum 10-day period and a sign has been posted at the property location pursuant to Planning Division requirements.

ATTACHMENTS:

1. Design Permit Resolution
2. Exhibit A_Conditions of Approval
3. Residential Development Design and Development Standard Compliance Checklist
4. Design Permit Plans
5. Settlement Agreement - 740 Tennant Avenue Project

RESOLUTION NO. 24-14

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL APPROVING A DESIGN
PERMIT FOR THE TO ALLOW FOR THE CONSTRUCTION
OF 259 RENTAL UNITS LOCATED ON THE SOUTHEAST
CORNER OF BUTTERFIELD BLVD. AND TENNANT
AVENUE (APN:)**

WHEREAS, a SB330 Preliminary Application (PRE2023-0006) under Builder's Remedy was submitted by Russell Morse representing Ten South Acquisitions LLC C/O Meyers Nave, and Scott Canel, Owner on August 29, 2023.

WHEREAS, on February 1, 2024, Ten South Acquisitions filed a SB330 Design Permit application for the construction of 259 rental units on an 11.26-acre site located on the Southeast corner of Butterfield Blvd. and Tennant Avenue. (SR2024-0003/EA2024-0001); and

WHEREAS, The project invoked the McCorkle decision with this application. That decision states that a Design Permit, without any associated subdivision (or other discretionary approval), is ministerial and therefore not subject to CEQA per Public Resources Code, § 21080(b). (McCorkle Eastside Neighborhood Group v. City of St. Helena (2018); 31 Cal.App.5th 80; Gov. Code, § 65589.5(d)(5); Pub. Resources Code, § 21080(b).) No further environmental assessment is required; and

WHEREAS, such request was considered by the Planning Commission at their regular meeting of September 24, 2024, at which time the Planning Commission approved application SR2024-0003/EA2024-0001: Tennant – Ten South Acquisitions; 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 project has been found consistent with the findings and criteria for Design Review permit approval contained in Section 18.108.040 of the Morgan Hill Municipal Code.

SECTION 2. The project was reviewed for compliance with the Residential Development Design and Design Standards and as conditioned is found to be in compliance with the standards.

SECTION 3. The Planning commission approves SR2024-0003/EA2024-0001: Tennant – Ten South Acquisitions. The design shall be expressly conditioned in conformance with conditions incorporated herein and as attached as Exhibit

“A”. Minor deviations to the Design Review permit may be approved by the Development Services Director when consistent with the overall intent of the project.

PASSED AND ADOPTED THIS 24 DAY OF SEPTEMBER 2024, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

LIAM DOWNEY, Chair

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: SR2024-0003/EA2024-0001
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

SR2024-0003/EA2024-0001: Tennant - Ten South Acquisitions, Request for a Design Permit to allow for the construction of a rental project that consists of 259 multi-family attached residential units on an 11.26-acre site. The property, identified by Assessor's Parcel Number 817-08-032, is located on the southeast corner of Butterfield Boulevard and Tennant Avenue at 740 Tennant Avenue.

II. PROJECT CONDITIONS OF APPROVAL

This Design permit approval is limited to the plan set with approval stamp on file (File Number SR2024-0003) with the Development Services Department. The approved building plans and landscape plans must be in substantial conformance with the design permit plans as determined by the Development Services Director. These documents show the location and dimensions of all vehicle and pedestrian circulation ways (ingress/egress), common areas, and other easement areas.

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

- B. **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

- C. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with SR2024-0003 and approved by the Development Services Department prior to issuance of a building permit. All such plans shall include:
1. Detail depicting all concrete curbs as full formed.
 2. Provision of catalogue drawings depicting the proposed parking area lighting fixtures. Exterior lighting of the building and site shall be designed so that lighting is not directed onto adjacent properties and light source is shielded from direct off-site viewing.
 3. Ramps, special parking spaces, signing and other physical features for the disabled, shall be provided throughout the site for all publicly used facilities.

4. All mechanical equipment, including electrical and gas meters, post indicator valve, backflow prevention devices, etc., shall be architecturally screened from view or located interior to the building. All ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berming, and landscaping. **(MHARH p.20, 45, 79)** For additional screening, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow.
5. All existing on-site overhead utilities shall be placed underground in an approved conduit from the service connection at the street or at the property line to the service connection at the building.

- D. **Useable Private and Common Open Space:** Each lot must include a private open space area, such as a private yard, porch, balcony, roof garden, or patio. Private open space must be contiguous to the unit it serves and accessible and visible from the living area of the unit. Private open space must be open air. Private open space cannot be covered by a roof by more than 50 percent of the area; however, balconies can have up to 100 percent ceiling coverage. The following private open space is required per unit type:
- a. Single-family attached and detached units meeting the following average lot sizes shall provide useable open space as specified:

	Average Lot Area (Square Feet)			
	1,440-1920	1,920-2,999	3,000-4,356	4,357-6,999
Private Open Space	60 square feet per unit	150 square feet per unit	300 square feet per unit	350 square feet per unit
Common Open Space	140 square feet per unit	150 square feet per unit	175 square feet per unit	200 square feet per unit

- b. Single-family detached (lots 7,000 square feet and over)- 500 square feet per unit (Private Open Space)
- c. Multi-family residential – At least fifty percent of the units have at least 48 square feet per unit (Private Open Space). Fifteen percent of the site area shall be dedicated to common open space.
- d. If **On-site Recreational Amenities** are not provided, private and common open space shall be increased by 25 percent.

Common open space shall be fully landscaped and accessible to all residents.

Private open space per unit may be reduced by up to 25 percent if off-set by the

equivalent increase in common open space with amenities.

- E. **Pedestrian Access:** The Project shall provide pedestrian walkways in compliance with ADA requirements and with Section 18.72.060.H of the Morgan Hill Municipal Code, which states the following:

1. Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements.
2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Development Services Director.

- F. **Bicycle parking.** The project shall provide short-term and long-term bicycle parking spaces in conformance with Section 18.72.080 and Table 18.72-7 of the Morgan Hill Municipal Code:

Table 18.72-7: Required Bicycle Parking Spaces

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

1. **Short-Term/Class II Bicycle Parking Standards.** Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve.
2. **Long-Term Bicycle Parking Standards.** The following standards apply to long-term bicycle parking:
 - a. Location. Long-term bicycle parking shall be located on or within seven hundred fifty feet of the use that it is intended to serve.
 - b. Security. Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
 - i. In a locked room or area enclosed by a fence with a locked gate;
 - ii. Within view or within one hundred feet of an attendant or security guard;
 - iii. In an area that is monitored by a security camera; or
 - iv. Visible from employee work areas.
3. **Parking Space Dimensions.**

- a. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space.
 - b. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering.
 - c. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
 - d. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.
4. **Rack Design.** Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.
5. **Cover.** Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.

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

- G. **Electric Vehicle Charging Stations:** The Project shall provide electric vehicle charging stations in compliance with Section 18.72.040.C of the Morgan Hill Municipal Code. The project is required to provide two charging stations, plus one for each additional fifty parking spaces. The developer shall provide location of each charging station prior to issuance of building permit.
- H. **Tandem parking and garages:** Residents shall use tandem parking spaces and dedicated garages for parking. This requirement shall be incorporated into the Covenants, Conditions and Restrictions (CC&R's) for the project.
- I. **Street Names:** Street names, private or otherwise, used to identify building locations shall be submitted at building permit stage to the Planning Division for approval. Proposed street names shall comply with the Street Naming Policy approved by City Council (Resolution No. 4601).
- J. **Tree Protection:** Unless tree removal has been previously approved, all trees located within 25 feet of any site disturbance shall be protected using the following minimum protection measures (these guidelines shall be included with all site development plans):
1. Mark all trees to be saved with a survey flag or ribbon. Do not nail or staple directly to the tree.
 2. Erect a temporary fence enclosing an area equal to at least the dripline of

the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs should be posted identifying the restriction of uses in the tree protection zone.

3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the “dripline” area of the tree.
4. Avoid root damage through grading, trenching, and compaction, at least within an area 1.5 times the dripline area of the tree. Where root damage cannot be avoided, roots encountered over 1 inch in diameter should be exposed approximately 12 inches beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.
5. The addition of plant or other landscaping materials shall remain outside of the dripline of all trees.
6. All trees proposed to be removed from the project site shall be replaced at a 1:1 ratio. Replacement trees shall be consistent with the City of Morgan Hill Master Street Tree. All replacement trees shall be a minimum of 15-gallons in size. All mitigation/replacement trees shall be shown on the landscape plans and approved by the Development Services Director prior to the issuance of the building/grading permit.
7. Any tree subject to Chapter 12.32 Restrictions On Removal Of Significant Trees of the Morgan Hill Municipal Code requires approval from the Planning Division. The applicant shall request approval prior to removing any significant trees.

BUILDING DESIGN

- K. **Front Porches:** 50 percent of homes facing a street or common interior courtyard include a front porch on the ground floor with a minimum size of 6 feet by 5 feet.
- L. **Balconies:** 25 percent of homes facing a street, alley or common interior courtyard include a balcony overlooking a common area with a minimum size of 6 feet by 4 feet.
- M. **Window Design:** The window recesses, trim and other window elements have been designed to be substantial in depth to create shadows. The project incorporates at least one of the following window features throughout the project:

- a. Minimum depth of at least 1 1/2 inches from glass to exterior of trim;
 - b. Minimum depth of at least six inches from glass to wall edge around windows if there is no trim (this is only appropriate for certain architectural styles such as Spanish Revival or Modern); or,
 - c. Decorative trim elements that add detail and articulation, such as window surrounds with at least a two-inch depth. They must be designed as an integral part of the design.
- N. **Roof mounted mechanical equipment:** All roof mounted mechanical equipment shall be placed within a screened roof top enclosure depicted on the elevation drawings or located below the parapet level and shall not be visible from the ground at any distance from the building. Cross section roof drawings shall be provided at the building permit stage indicating the relative height of the screen wall or parapet. Minimum screen height or parapet depth shall be 5 feet or greater to match the height of any proposed equipment. **(MHARH p.48, 65, 87, 106)**
- O. **Building mounted lighting:** Lighting fixtures shall not project above the fascia or roofline of the building. Any ground mounted lighting projecting onto the building or site shall be subject to the review and approval of the Development Services Director. Adjustment to the lighting intensity may be required after the commencement of the use. **(MHARH p. 67, 109)**
- P. **Exterior Lighting and Illumination:** Wall-mounted lights or bollards shall be provided for security purposes. Lights shall be directed down and shielded to avoid glare impacts. The project has demonstrated compliance by submittal of a photometric plan and fixture details.
 - a. **Garage Door Design:** The garage doors proposed within the project feature windows or other architectural design features consistent with the main dwelling.
- Q. **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.

PARKING, VEHICULAR ACCESS AND LANDSCAPING

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

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

Table 18.72-6: Minimum Required Parking Lot Landscaping

Number of Required Parking Spaces	Percent of Surface Parking Area to be Landscaped
16-30	10 percent
31-60	15 percent
Over 60	20 Percent

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

4. **Parking Space Landscaping.** A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.
 5. **Timing.** Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.
- S. **Planting and irrigation working drawings:** Detailed landscape planting and irrigation working drawings shall be submitted to the Development Services Director for approval prior to issuance of building permits. Landscape plans for streets and landscape easements shall be part of the improvement plan submittal.
- T. **Lighting:** Walkways and pedestrian pathways in landscaped areas or common areas not considered building entrances or a part of parking lot areas shall be illuminated with a minimum of one (1) foot-candle to ensure safe nighttime conditions. **(MHARH p.30, 67, 108)**
1. A final photometric plan shall be provided for review and approval to the Development Services Director prior to issuance of a building permit.
- U. **Exterior Parking Lot Lighting:** For projects with more than six parking spaces, detailed lighting information is provided in compliance with Section 18.72.060.G of the Morgan Hill Municipal Code. Lights shall use cut-off shields and be downward directed.
- b. **Pavement Design:** The project has incorporated decorative, pervious paving into paved and landscaped areas by 10 percent to reduce the visual impact of paved surfaces. Decorative paving includes: brick, stamped colored concrete, stone blocks or pavers, interlocking colored pavers, grass-create, and other comparable materials. Priority locations for decorative paving may include the following:
 - i. The first 20-feet of the driveway closest to the street;
 - ii. A four-foot wide pedestrian path along the length of the driveway, if no sidewalk is provided;
 - iii. Parking maneuvering areas;
 - iv. Parking aprons; and
 - v. Parking areas for fire turnarounds that can also occasionally function as outdoor courtyards.

- c. **Equipment Screening:** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the public-right-of-way, common areas, or contained within an enclosed structure. Equipment to be screened includes, but is not limited to, all roof mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building, and equipment enclosures have been screened with landscaping. Chain link fencing with wood inserts shall not be used to screen equipment.
- d. **Utility Location and Easement:** New utility transformers are installed underground unless precluded by physical limitations of the project site. Utility locations do not interfere with the viability of tree maturity, function of stormwater treatment facilities, or use of open space. A Public Service Easement (P.S.E.) with a minimum width of 10' is provided adjacent to all public rights-of-way for public and private utilities (including gas, electric, telephone and cable communications conduits or duct banks). When the development standards for any given zoning district conflict with the distance, the zoning standard shall govern. All public utilities for sewer, storm, or water within the project are within a public right-of-way. An exhibit illustrating the P.S.E. shall be provided.
- e. **Undeveloped site area:** The balance of a building site not developed as part of this project approval shall have landscaping installed acceptable to the Planning Division. **(MHARH p., 57, 98)**
- V. **Maintenance of landscaping:** The landscaping installed and accepted with this project shall be maintained on the site as stated within the approved plans. Any alteration or modification to the landscaping shall not be permitted unless otherwise approved by the Development Services Director.
- W. **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)**
- X. **Reciprocal Ingress/Egress Easements:** Prior to issuance of a certificate of occupancy, the property owner shall record an appropriate deed restriction and covenant running with the land subject to review and approval of the

Development Services Director for a reciprocal ingress/egress easement along the common driveway.

SIGNS

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

HABITAT PLAN

- AA. **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.
- BB. **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)**
- CC. **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

- DD. **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)**
- EE. **Basic Construction Mitigation Measure (BCMMs) Related to Dust Suppression.** The following measures shall be implemented with the project:
1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

For projects that exceed BAAQMD thresholds:

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
2. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
3. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
4. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

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

CULTURAL RESOURCES

FF. Archeological Survey: An archaeological survey for the site shall be prepared and submitted.

GG. Significant historic or archaeological materials: A moderate potential exists

for unrecorded historic-period archaeological resources to be within the project area. The developer shall enter into written contracts with an archaeologist and the Tamien Nation Tribe, and pay all fees associated with the activities required by this condition. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply:

1. Prior to start of grading or earthmoving activity on the “first day of construction”, the archaeologist and Tamien Nation Tribal Monitor shall hold a pre-construction meeting for the purposes of "cultural sensitivity training" with the general contractor and subcontractors.
2. A Tamien Nation Tribal Monitor shall be present on-site to monitor all ground-disturbing activities and an archaeologist shall be on-call. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
 - a. Work at the location of the find will halt immediately within fifty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
 - b. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter in collaboration with a tribal representative that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
 - c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
 - d. If the resource cannot be avoided, the archaeologist in collaboration with a tribal representative shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Development Services Director. The action plan shall be in conformance with California Public Resources Code 21083.2.
3. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains

of Native Americans,

- a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.
 - b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
 - c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.
4. In the event that known or suspected Native American remains are encountered, or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, ground stone mortars and pestles), culturally altered ash stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.
5. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time of discovery, by the monitoring archaeologist and tribal representative (typically twenty-five to fifty feet for single burial or archaeological find).
6. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the City or County if considered prudent to avoid further disturbances.
7. The Contractor Foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the

find and initiate the consultation process for treatment and disposition:

- The City of Morgan Hill Development Services Director (408) 779-7247
 - The Contractor's Point(s) of Contact
 - The Coroner of the County of Santa Clara (if human remains found) (408) 793-1900
 - The Native American Heritage Commission (NAHC) in Sacramento (916) 653-4082
 - The Amah Mutsun Tribal Band (916) 481-5785 (H) or (916) 743-5833 (C)
 - The Tamien Nation (707)295-4011 (office) and (925)336-5359 (THPO)
8. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American the Coroner has 24 hours to notify the NAHC.
 9. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD). (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
 10. Within 24 hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose.
 11. Within 24 hours of their notification by the NAHC, the MLD may recommend to the City's Development Services Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the appropriate tribe may be considered and carried out.
 12. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

NOISE

- HH. **Noise Study:** An Acoustical Analysis shall be provided to demonstrate need for noise impact mitigations to the building structures along Butterfield Blvd and Tennant Avenue are required. Soundwalls along Butterfield Blvd. and Tennant

Avenue will not be supported as a mitigation.

- II. **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

- JJ. **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 or as a part of the Community Benefit Obligation described in the Settlement Agreement. The Mitigation Fee Act Fees applying to this project are described below in the Engineering Conditions, section I. 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.

- KK. **Covenants, Conditions and Restrictions:** The applicant shall provide a set of Covenants, Conditions and Restrictions (CC&R's), Bylaws and Articles of Incorporation, for review and approval by the Development Services Director prior to final occupancy or recordation of a final map. All such CC&Rs shall include the following:

1. The Owners recognize that the use, modification and proper maintenance of the Common Area and public right-of-way(s)* are for the benefit of all citizens of the City of Morgan Hill (City) and that the City is an intended third party beneficiary of these covenants, conditions and restrictions and may, upon notice of hearing as set forth below, exercise the same powers of enforcement as the Association.

*Public right-of-way: Exclusive of streets dedicated to and accepted by the City of Morgan Hill.

2. The City may, by mail or personal delivery, give written notice of the breach of any maintenance obligation to the Association with a demand that such breach be remedied. If such breach is not remedied within thirty (30) days of the mailing or delivery of such notice, the City shall have standing and the right (but not the obligation) to bring a court action against the Association and Owners to enforce such provision. In

addition, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in such action.

3. The Notice may also contain a date for a hearing on the matter before a City employee designated by the City (which hearing shall be held no sooner than fifteen (15) days after mailing of such notice), and if after such hearing the City determines that there has been inadequate maintenance, the City shall have the right (but not the obligation) to undertake the maintenance of the Common Area or public right-of-way in question. Any and all costs incurred by the City in so maintaining the Common Area or public right-of-way shall be a lien against all the properties included with the Project and shall be the personal responsibility of the Owners and the Association.
4. The entire Project and all of the properties located thereon shall be subject to the conditions and restrictions of all subdivision and other Project approvals by the City, with respect to the Project. Any changes and/or modifications to the Project and/or any Unit, including but not limited to changes to the exterior of any Unit, may be subject to review and approval of the City of Morgan Hill as may be determined by review of the Project approvals by the City of Morgan Hill.
5. This section may not be amended without the prior written consent of the Development Services Director for the City. Nothing contained in this section shall limit any other right or remedy which the City may have under its ordinances or state law.
6. For the purposes of this section, the question of whether there has been a breach of a maintenance obligation or adequate maintenance shall be determined by the provisions of the original Declaration as first recorded with the County Recorder for Santa Clara County and by any amendment thereto, but only to the extent that such maintenance obligation or duty of maintenance is increased by such amendment.

ENGINEERING DIVISION

A. Traffic

1. Traffic Impact Study: A Draft Traffic Impact Study ("Study") dated July 2024 was prepared for the project.
 - a. At improvement plan stage, submit the Final Traffic Impact Study for City review. After review of the Final Study, the City will determine if the project will be required to implement any of the recommended improvements.

- b. At the intersection of Tennant Avenue and Juan Hernandez Drive, the Draft Study indicates that the project will result in an insufficient queue storage length for the westbound left turn approach for both the 2024 Existing Conditions plus Project and 2040 Cumulative Conditions plus Project analyses. Page 7 of the Draft Study recommends coordinating with the City to determine if it will be necessary to extend the westbound left storage bay.
 - i. At improvement plan stage, revise the plans to show the improvement on the existing median on Tennant Avenue adjacent to the westbound left turn lane which involves the extension of the storage bay to accommodate up to the maximum queue reported for the p.m. Peak Hour for the 2040 Cumulative Conditions plus Project scenario. These improvements may also include the replacement of any trees that will be removed as a result of the median improvement. The limits of the median improvements shall be determined by the City Engineer.
 2. At improvement plan stage, the project shall provide a Traffic Signal Plan showing the necessary modifications to the existing signal infrastructure, and the installation of new traffic signal equipment to accommodate the change from a T-intersection to a four-way intersection at Tennant Avenue and Juan Hernandez Drive.
- B. **Stormwater Infrastructure/Stormwater Management:** The 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. A copy of the Guidance Manual can be obtained through the following link: <https://www.morgan-hill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-Guidance-Manual?bidId=>.
1. At building permit/improvement plan stage, revise the project's Preliminary Drainage Report and Post-Construction Storm Water Quality Report ("Report") and/or Civil plans to address the following:
 - a. The design infiltration rate shall be site-specific. For the final design, use an infiltration rate that meets the following requirements:
 - i. Has a safety factor of 2 applied.
 - ii. Has been converted from a percolation rate to an infiltration rate.
 - iii. Is based on site specific testing at the proposed location of the stormwater control measures (SCMs) and at the depth of the proposed invert elevations of the SCMs and attach the site-specific test results to the Report.

- b. On page 5 of the Report, it states “PR-2: Treat Runoff with an approved and appropriately-sized LID treatment system prior to discharge from the site.” Revise the Report and Civil plans to include a detail of the bioretention basin used as the SCM.
- c. In order to meet the Water Quality requirements (Performance Requirement No. 2), revise the Report to include calculations demonstrating the required 85th percentile volume to be retained, the bioretention basin footprint (in square feet), the soil media depths, and gravel depths for each bioretention.
- d. In order to meet the Runoff Retention requirements (Performance Requirement No. 3), revise the Report to include calculations demonstrating the required 95th percentile volume is retained on site. The Report shall also compare the 95th percentile volume required against the volume provided.
- e. On page 5 of the Report, it states “PR-4: Control post-project peak flows to not exceed pre-project peak flows for the 2-through 10-year storm events.” Provide a table in the Report showing the pre-development and post-development peak flows for the 2- and 10-year storm events.
- f. Describe in the Report how the peak flow is being controlled to pre-development rates. Show locations of any proposed orifice(s). Also provide an outlet control detail with elevations.
- g. Complete and submit the Performance Requirement Checklists listed in the appendices of the Guidance Manual.
- h. Per the Guidance Manual, pollutant generating activities, such as pool areas, shall be connected to the sanitary sewer. No runoff from pool areas and other pollutant-generating activities shall be allowed to enter on-site source control measures or the City’s storm drain system.
- i. Include calculations demonstrating that the proposed overflow discharge into Butterfield Channel will not exceed pre-development conditions up to the 100-year event.
- j. Include a detail for the proposed bioretention areas.
- k. Include a detail for the proposed infiltration trenches.
- l. Pervious Pavers: The project is proposing to use pervious pavers as a stormwater control measure. At building permit/improvement plan stage, address the following:
 - i. Add a cross-section of the pervious paver.
 - ii. Include the proposed manufacturer design data for the pervious paver.
 - iii. Remove any pavers within the public right-of-way or Public Service Easement (PSE).
 - iv. Submit a review letter, signed and stamped by the project’s Geotechnical Engineer, approving the pervious paver section if pervious pavers are proposed in areas subject to vehicular traffic, fire trucks, and waste management equipment.

- m. Flood Control/25-Year Detention: Describe how the City's Flood Control/25-Year Detention Standards are being met. Refer to Section 4.1600 of the City's Storm Drain Design Standards.
- i. The City is in the process of updating its Flood Control/25-Year Detention Standard. The current Flood Control/25-Year Detention Policy requires projects to hold the full 25-year detention volume on site for a minimum 24-hour period with an additional 25% detention basin volume for freeboard. The release of pre-project flow rates prior to the 25-year, 24-hour design storm was not allowed.
 - a) Although the updated Flood Control/25-Year Detention Standard has not been finalized, the project may obtain approval from the City Engineer, during improvement plan/building permit stage, for the project to comply with the following, proposed revised standards as it may reduce the size of the project's flood control/detention facility:
 - 1) Match pre-development flows for the 10-year, 25-year and 100-year design storm events.
 - 2) The 25-year and 100-year design storms shall be based on the criteria in Table 3.4 "Hydrology and Hydraulics Design Criteria for Ponding Basins" of the City's 2018 Storm Drainage System Master Plan (see copy below).
 - 3) The release of pre-project flow rates during the storm events is allowed.
- n. Stormwater Operation and Maintenance:
- i. Include an Operation and Maintenance (O&M) Plan in the Report.
 - ii. The project shall maintain all of the proposed stormwater control measures and include them as a part of the required O&M plan to be submitted to the City, including, but not limited to, Detention Basin 3 located on the northeasterly corner of the project site.
- o. Complete the following project data table and add the table to the Report:

Project Name/Number	<i>[Tract Number, Parcel Map Number, Application Number]</i>
Application Submittal Date	
Project Location	<i>[Street Address if available, or intersection and/or APN]</i>
Project Phase No.	<i>[If project is being constructed in phases, indicate the phase number. If not, enter "NA"]</i>
Project Type and Description	<i>[Example entries: "Detached single-family residence," "5-story office building," "Residential with 160 single-family homes," "Five 4-story buildings to contain 200 condominiums," "100-unit, 2-story shopping mall," "mixed use retail and residential development (apartments)", "Industrial warehouse."]</i>

1. Total Project Site Area (<i>acres and ft²</i>)	
2. Pre-Project	
(a) Impervious Area	
(b) Pervious Area	
3. Post-Project	
(a) Replaced Impervious Area	
(b) New Impervious Area	
(c) Total Post-Project Impervious Area (<i>sum of Line 3a and Line 3b</i>)	
(d) Post-Project Pervious Area	
Net Impervious Area	
4. Reduced Impervious Area Credit (<i>Line 2a minus Line 3b</i>)	
5. Net Impervious Area (<i>Line 3c minus Line 4</i>)	
Watershed Management Zone(s)	
Design Storm Frequency and Depth	<i>[85-percentile depth or 95-percentile depth]</i>
Drainage Report Name	

2. Stormwater control measures (SCMs) such as detention basins and infiltration trenches are not allowed to encroach within any public right-of-way nor any Public Service Easement (PSE) unless an exception is provided by the City Engineer. A detailed review of the proposed encroachments will be performed by the City at building permit/improvement plan stage.

C. **Grading:** The preliminary grading plan shows the potential concentration of drainage along the Juan Hernandez Drive extension, with no drainage facility to address them. At building permit/improvement plan stage, the project shall address any drainage concerns along the Juan Hernandez Drive extension.

D. **Utilities:**

1. At building permit/improvement plan stage, revise the Civil plans to show all unused existing water and sewer services stubbed to the property to be abandoned at the main pursuant to City standards.

2. The Preliminary Utility Plan shows a sanitary sewer manhole connecting to Detention Basin 3. At building permit/improvement plan stage, the project shall clarify why a sanitary sewer utility is connected to the detention basin.
3. All new water main installations (public and private) shall adhere to the separation criteria established by the California Waterworks Standards (California Code of Regulations (CCR), Title 22, Division 4, Chapter 16, Section 64572). Any proposal for alternative compliance to these requirements shall be submitted to the State Water Resources Control Board's Division of Drinking Water, pursuant to CCR, Title 22, Section 64551.100.
4. Broadband Connectivity: The project is required to comply with the City's Broadband Standards for conduits installed in the public right-of-way(s) fronting the project site. At building permit/improvement plan stage, revise the plans to show the following:
 - a. Broadband conduit installed in the public right-of-way(s) to serve the project.
 - b. Broadband conduit from the public right-of-way to each home or occupied building in the project.

E. Street Improvements:

1. At improvement plan stage, the project shall address the following:
 - a. The project shall evaluate the pavement condition of Tennant Avenue and improve the street, as required, to meet current City standards for arterial streets. Evaluation may involve pavement core sampling at multiple locations to the satisfaction of the City Engineer.
 - i. If the existing pavement condition does not meet current City Standards, the project shall remove and replace the existing section of the asphalt concrete pavement on Tennant Avenue. The minimum required street improvement shall be a two-inch removal and replacement of the existing asphalt concrete pavement along the project's Tennant Avenue frontage and up to the street centerline.
2. Revise the Civil plans to show the following:
 - a. Removal of the existing driveway apron at the Tennant Avenue frontage and replace it with City Standard curb and gutter.
 - b. Addition of a header board along the eastern edge of the Juan Hernandez Drive extension consistent with City Standard Drawing No. A-19 for Half Streets.

3. Detailed review of the streetlight location and spacing, and other street improvements will be performed by the City at building permit/improvement plan stage.
 4. At improvement plan stage, the project shall submit a separate offsite improvement plan set to Land Development Engineering. The onsite improvement plans shall be submitted to the Building Division as part of the project's grading/building permit application.
 5. Street Trees: The proposed street trees shall comply with the street tree species and spacing listed under the applicable zone in the Master Street Tree List of the City's Master Street Tree Plan. The street tree species will be approved by the City Engineer at improvement plan stage.
- F. **Private Sanitary Sewer Maintenance Agreement:** Prior to building permit issuance, the Owner(s) shall enter into a Private Sanitary Sewer Maintenance Agreement with the City for maintenance of all private sanitary sewer facilities which includes the private sewer mains and sewer laterals. The Agreement shall be recorded at the County Recorder's Office prior to building final.
- G. **Clear Vision Triangles:** At building permit/improvement plan stage, show the Clear Vision Triangles on the Civil plans at locations adjacent to pedestrian crossings and street intersections to comply with the City's Municipal Code Section 18.92.080, Intersection Sight Distance.
- H. **Easements and Street Right-of-Way Dedications**
1. Prior to building final, the project shall record at the County Recorder's Office the Grant Instruments for the following easements for public purposes:
 - a. Street Right-of-Way: Dedication of Tennant Avenue right-of-way that has not already been dedicated in fee to the City.
 - b. Emergency Vehicle Access Easement: Dedication of Emergency Vehicle Access Easement within the private street/drive for emergency access to the site.
 - c. Public Service Easement (PSE): Grant to the City a 10' Public Service Easement (PSE) along all public street frontages.
 2. Prior to building final, the project shall record at the County Recorder's Office an Open Space or Private Storm Drainage Easement over the areas with the proposed private detention basins. This is to ensure that these areas are kept free from any buildings or future changes that are not consistent with the proposed stormwater design.

- I. **Impact Fees & Fee Increase:** The City of Morgan Hill, pursuant to MHMC Chapter 3.56, has established impact fees to finance the cost of improvements required by new development. MHMC Section 3.56.050 provides for automatic annual (January 15th) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. The City maintains historical records on the Engineering News Record Index. These records are available for inspection during normal business hours. (MHMC 3.56.010; 3.56.030; 3.56.050)
1. The developer shall pay all applicable impact fees and other engineering review fees (fees other than impact fees are automatically adjusted annually on July 1st) as follows: engineering review fees and storm drain impact fees are due prior to building permit issuance, and the balance of the impact fees are due on a pro-rata basis per unit prior to final occupancy of each unit. The fees shall be based on the Public Works Fee Schedule prepared by Land Development Engineering. The estimated total amount of impact fees and engineering review fees for this project based on the Fee Schedule currently in effect is \$10,909,000 with an assumption that of the total 259 rental units, 129 units have two bedrooms or less per unit, and 130 units have at least 3 bedrooms per unit.
 2. The project will be subject to the updated Water Capacity fees, which became effective May 15, 2023.
 3. Information related to the City's impact and development fees is available on the City's Finance Department webpage at:
<https://www.morganhill.ca.gov/1572/Fee-Schedules>.

GENERAL

- J. **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)
- K. **Improvement Drawings:** The applicant shall submit as part of the improvement drawings for the project, profiles of all improvements in the subdivision and typical cross-sections of all streets and details of curbs, gutters, and sidewalks, to be accomplished to the satisfaction of the City Engineer prior to submittal of Final Map. (MHMC Sec 17.32.060 B; 17.32.070; 17.32.080 A)

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

- L. **Encroachment Permits:** Obtain necessary encroachment permits from the City of Morgan Hill and provide guarantee covering off-site improvements. (MHMC 12.08.040 A; 12.08.090)

- M. **Improvement Agreement:** Enter into an Improvement Agreement (IA) with the City of Morgan Hill to cover required improvements. **(MHMC 12.02.150; 17.32.010 B; 17.32.160)**

STREET IMPROVEMENTS

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

SANITARY SEWER SYSTEM

- Q. **Design of Sewer Improvements:** The applicant shall cause to be undertaken the design and construction of sanitary sewer improvements including, but not limited to installation of sewer line extension on the proposed public street(s) or private street(s)/drive aisle(s). The sanitary collection system shall include, but not be limited to manholes with manhole frames and covers, cleanouts, wye-branches and laterals, and separate sewer taps to each lot. These are to be installed by the developer. **(MHMC 13.20.355; 17.32.020 C; CMH Sewer System Master Plan; CMH Design Standards and Standard Details for Construction)**

- R. **Sewer Connections:** All existing and future sewer lines shall be tied into the City's system and existing septic systems shall be abandoned in accordance with City requirements. **(MHMC 13.24.060; 17.32.20 C)**

STORM DRAIN SYSTEM

- S. **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)**
- T. **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)**
- U. **Storm Drainage Capacity:** Collection system shall be designed to be capable of handling a 10-year storm without local flooding. 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)**
- V. **Storm Drainage General Requirements:** Prior to final map approval or issuance of a grading permit, the applicant shall complete the following to the satisfaction of the City Engineer.
1. Storm drain calculations to determine detention/retention pond sizing and operations.
 2. Plan describing how material excavated during construction will be controlled to prevent this material from entering the storm drain system.
 3. Water Pollution Control Drawings (WPCD) for Sediment and Erosion Control.
(CMH Design Standards and Standard Details for Construction)
- W. **NPDES Construction Activity General Permit/SWPPP Requirements:** As required by the State Water Resources Control Board (SWRCB) Order No. 2009-

0009-DWQ, construction activity resulting in a land disturbance of one (1) acre or more of soil, or whose projects are part of a larger common plan of development that in total disturbs more than one (1) acre, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity (General Permit). To be permitted with the SWRCB under the General Permit, owners must file a complete Notice of Intent (NOI) ONLINE at: <http://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp> and develop a Storm Water Pollution Prevention Plan (SWPPP) Manual in accordance with the General Permit. The SWPPP Manual shall follow the CASQA SWPPP template/format at <https://www.casqa.org/store/products/tabid/154/p-167-construction-handbookportal-initial-subscription.aspx> and shall be approved by Public Works Engineering. A Waste Discharger Identification (WDID) number to be issued to the construction site after the SWRCB receives and verifies the submitted ONLINE NOI information. The WDID number and approved SWPPP Manual shall be provided to Public Works and the Building Department prior to any approval of grading activities (**SWRCB NPDES General Permit CA000002**).

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

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

7. Illicit discharges per the NPDES General Permit, non-compliance of tracking control, and inlet protection within the public right of way shall be addressed immediately.
8. Other non-compliance issues need to be addressed within a 24-hour period.
9. Non-compliance issues which have been corrected shall be verified by NPDES SWPPP Inspector by a follow-up inspection.
10. BMPs maintenance/inspections shall include tree protection if applicable.

WATER SYSTEM

- Y. **Domestic Water System:** The applicant shall cause the design and construction to be undertaken of a domestic water system to the satisfaction of the City Engineer. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the City Engineer and dedicated to the City. **(MHMC 17.32.020 A & D; CMH Design Standards and Standard Details for Construction; CMH Water System Master Plan)**
- Z. **Water well abandonment:** Abandonment of any existing water well shall be in conformance with Santa Clara Valley Water District (SCVWD) Ordinance 90-1. Location and disposition to be shown on the plan. Well(s) shall be properly registered with the SCVWD and either be maintained or abandoned by SCVWD standards.
- AA. **Water Master Meter:** All residential units are being served by a master public meter(s) and shall be privately sub-metered as allowed pursuant to Section 13.04.130.C of the Morgan Hill Municipal Code. The owner of a multi-unit residential development that includes habitable dwellings, may, upon compliance with the following, install separate private submeters to each residential unit:
1. The owner shall obtain approval/permit from the Public Works Department for the submeter system.
 - a. Any submeters shall accurately and completely measure all water consumed from the municipal water system.
 - b. The owner shall agree to charge the tenant of each unit a water utility charge strictly based on the consumption by the occupants of the unit.
 - c. Installation, maintenance and monitoring of the submeter system shall be the responsibility of the owner, and in no circumstances shall the City be responsible.

- d. If any water conservation plan is implemented or imposed by the City, the owner shall be responsible for complying with any reductions required by such plan as measured by consumption on the meter(s) directly connected to the municipal water system.
2. Failure to abide by the above conditions, and/or any other conditions the City may impose, may result in revocation of any permit issued and/or other action as authorized by law, such as at the owner's expense to install individual public water meters for each unit.
3. Owner/developer shall execute an agreement with the City to cover/outline the requirements of Section 13.04.130.C of the Municipal Code to be reviewed and approved by the City Engineer or designee.
4. Records of bookkeeping and private sub-metering usage shall be accurately maintained digitally by the development's management company. Upon request from the City, records shall be produced to the City within a 24-hour period.

OTHER CONDITIONS

- BB. **Easement Dedications:** The owner shall dedicate all necessary utility easements. **(MHMC 12.02.080 D; 17.28.010 A)**
- CC. **Undergrounding New Utilities:** The applicant shall cause the design and construction required to underground all electric, gas, Cable TV and communication lines within the development. Such design and construction shall be to the satisfaction of the affected utilities and the City Engineer. **(MHMC 17.32.020 E.1)**
- DD. **Landscaping and Irrigation Systems:** Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way on the perimeter of this project shall be continuously maintained by the property owner or designated maintenance entity.
- EE. **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)**
- FF. **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

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

NPDES STORMWATER MANAGEMENT DEVELOPMENT STANDARDS

- HH. **State Water Resources Control Board Post Construction Requirements (PCRs):** Project shall comply with the California Regional Water Quality Control Board Central Coast Region Resolution No. R3-2013-0032 as documented by the **Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements** (developed from Resolution No. R-2013-0032 Attachment 1 and 2 at: http://www.waterboards.ca.gov/centralcoast/water_issues/programs/stormwater/docs/lid/lid_hydromod_charette_index.shtml). A copy of the guidance manual can be obtained through the Land Development Engineering webpage. Project shall provide Stormwater Runoff Management Plan, Stormwater Control Plan Checklist and applicable calculations per the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. Project shall meet the applicable requirements of the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements:
- i. Performance Requirement 1: Site Design and Runoff Reduction
 - ii. Performance Requirement 2: Water Quality Treatment
 - iii. Performance Requirement 3: Runoff Retention
 - iv. Performance Requirement 4: Peak Management
- II. **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.
- JJ. **Storm Drain System Stenciling and Signage:** All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as: "NO DUMPING – DRAINS TO CREEK") and/or graphical icons to discourage illegal dumping. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.
- KK. **Trash Enclosure Areas:** In addition to compliance with 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. **Roof Required:** Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents
2. **Walls Required:** Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash.
3. **Doors:** Trash enclosure shall have door(s) which can be secured when closed.
4. **Grades:** The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure.
5. **Drain Inlet:** Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint.

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

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

MM. **Stormwater Runoff Management Plan (SWRMP):** The Stormwater Runoff Management Plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and

acceptability of measures (post construction BMPs) proposed for managing stormwater runoff.

1. The Stormwater Runoff Management Plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved Stormwater Runoff Management Plan.
2. The developer shall provide a signed certification from the civil engineer responsible for preparing the Stormwater Runoff Management Plan that all stormwater best management practices have been designed to meet the requirements of this chapter.

NN. 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), an owners' or homeowners' association or other legal entity approved by the City.
3. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
4. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.

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

PP. 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 Land Development Engineering and Environmental Services Department.

QQ. **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.

RR. **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.

BUILDING DIVISION

A. **California Code of Regulations:** Project shall be designed to comply with the edition of the California Codes of Regulations as amended by the Morgan Hill Municipal Code Title 15 that is in effect at time of Building Permit Application submittal.

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

1. MHMC 15.65 Sustainable Building Regulations.
2. MHMC 18.72.040 C. Electric Vehicle Charging.
When Required. Electric vehicle charging stations shall be provided:
 - For new structures or uses required to provide at least twenty-five parking spaces; and
 - Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.Number of Charging Stations. The number of required charging stations shall be as follows:

- Twenty-five to forty-nine parking spaces: One charging station.
 - Fifty to one hundred parking spaces: Two charging stations, plus one for each additional fifty parking spaces.
- 3. MHMC 15.40 Building Security
- 4. MHMC 15.38 Wage Theft Preventions
- C. **Building it Green (BIG) and LEED Checklists:** Build it Green (BIG) or LEED checklist (<https://www.builditgreen.org/>, <https://www.usgbc.org/>) in compliance with the sustainable building regulations specified in Chapter 15.65 of the Morgan Hill Municipal Code.
- D. **Fire Separation:** Show the location of building with fire separation distance from property lines and between buildings as applicable.
- E. **Gas Infrastructure Prohibited:** Acknowledgement of no natural gas infrastructure in newly constructed buildings as specified in Chapter 15.63 of the Morgan Hill Municipal Code.
 - a. **Installation of Fire Service Underground Piping, FDC's and Fire Hydrants.** Demonstrate compliance with Specification No. 11-O, 11-P, and 11- Q of MH City Standards. <https://www.morgan-hill.ca.gov/DocumentCenter/View/10668/Fire-Details-and-Specs?bidId=>
 - b. **Fire Apparatus (Ladder Truck) Access Roads Required.** Provide access as specified in Specification No. 11-B of MH City Standards. <https://www.morgan-hill.ca.gov/DocumentCenter/View/10668/Fire-Details-and-Specs?bidId=>

FIRE DIVISION

- A. **Preliminary Review Only:** The requirements and conditions stated in this review are preliminary and are intended to be used for the purposes of project planning. An official Fire Department review of the project will be conducted upon receipt of a complete plan submittal application that clearly shows all intended grading, demolition, construction or building modifications.
- B. **Proposal limited to:** Review of this Development proposal is limited to acceptability of site access as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

- C. **Fire Apparatus (Engine) Access Roads Required:** Prior to the commencement of combustible construction, an access roadway with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, 6 inches shall be provided, with minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%, unless otherwise approved in writing by the Fire Marshal. Installations shall conform to the City of Morgan Hill Standard Details and Specifications 11-B. **(CFC Section 503 as amended by MHMC 15.44.140)**
- D. **Fire Hydrant Location Identifier:** Prior to project final inspection, the general contractor shall ensure that an approved (“Blue Dot”) fire hydrant location identifier has been placed in the roadway, as directed by the fire department.
- E. **Timing of Required Roadway Installations:** Prior to the commencement of combustible construction, the required roadway installations, up through first lift of asphalt, shall be in place, inspected, and accepted by the City of Morgan Hill unless otherwise approved in writing by the Fire Marshal. Bulk combustible construction materials shall not be delivered to the construction site until installations are completed as stated above. During construction, emergency access roads shall be maintained clear and unimpeded. Issuance of building permits may be withheld until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**
- F. **Timing of Required Water Supply Installations:** Prior to the commencement of combustible construction, the required Fire Hydrant and Water Supply installations shall be in place, inspected, tested, and accepted by the Fire Department and the City of Morgan Hill, unless otherwise approved in writing by the Fire Marshal. Bulk construction materials may not be delivered to the construction site until installations are completed as stated above. Clearance for building permits may be held until installations are completed. **(CFC Chapter 14 as amended by MHMC 15.44.180)**
- G. **Fire Lane Marking Required:** Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and the City of Morgan Hill Standard Details and Specifications 11-F. **(CFC Section 503)**
- H. **Automatic Fire Sprinkler System Required:** Buildings requiring automatic fire sprinkler system shall be equipped throughout with an approved automatic fire sprinkler system. The fire sprinkler system shall be hydraulically designed per National Fire Protection Association (NFPA) Standard #13. **(CFC Chapter 9 as amended by MHMC 15.44.170)**

- I. **Private on-site Fire Service Mains and Hydrants:** Installations shall conform to National Fire Protection Association Standard #24, and the City of Morgan Hill Standard Details and Specifications. Provide plan submittal to the City of Morgan Hill for review and approval prior to installation.
- J. **Aerial Fire Apparatus Access Roads**
1. Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
 2. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.
 3. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official.
- K. **Parking Along Roadways:** The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to face of curb. Parking spaces are based on an 8-foot-wide space. **(CFC Section 503)**
- L. **Requirements for Secondary Access Roads (Shall be completed prior to exceeding 101 units)**
1. Separation of access roads. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses (from centerline to centerline).
 2. Connection to other roads: Where a secondary access roadway connects to a public or private street there shall be either; no curb, a rolled curb or a driveway cut as approved by the fire code official.

3. Easements: Only lands owned or in control of the property owner, held in common with adjacent properties or publicly owned may be used for secondary access. Secondary access roadways shall not be located in easements through private property unless specifically approved by the fire code official. When easements are required for secondary access roadways, they shall be recorded as Emergency Vehicle Ingress Egress Easements (E.V.I.E.E) granted to the Fire Department.
4. Marking and Identification: When necessary, signs or other approved notices shall be posted at secondary access roadways to prevent obstruction by parked vehicles. Such signs or notices shall be in accordance with Fire Prevention Division Standards.
5. Maintenance: Secondary access roadways shall be maintained at all times by the property owner. The roadway surface gates/locks and vertical and horizontal clearances shall be maintained in serviceable condition. Maintenance of secondary access roadways on commonly held lands shall be clearly stated in the Covenant, Conditions, and Restrictions (CC&R) or Landscape Maintenance agreements of the development project. The CC&Rs shall mandate that the owners association shall retain professional management to oversee maintenance responsibilities.

POLICE DEPARTMENT

- A. **Safety and Security Plan.** The Police Department shall review and approve a safety and security plan for the facility including a security camera plan prior to the issuance of a building permit or site development permit, whichever one is issued first.
- B. **Camera Access.** The Police department will require access to camera feed and camera recordings to be able to view real time and recorded footage if/when required.

HOUSING DIVISION

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



RESIDENTIAL DEVELOPMENT DESIGN AND DEVELOPMENT STANDARDS

Adopted December 2019

Updated December 2020

Updated October 2022

These Standards implement requirements of Senate Bill (SB) 330 Housing Crisis Act of 2019 (Government Code Section 65589.5) and Senate Bill (SB) 35 Streamlined Approval Process (Government Code Section 65913.4) and shall remain in effect until SB 330 and SB 35 are rescinded or extended.

I. PURPOSE

The purpose of the Residential Development Design and Development Standards is to articulate project design requirements for all residential and mixed-use developments. These standards will be utilized to detail the review process by clearly stating the City of Morgan Hill's objectives for high quality, residential projects that are aesthetically pleasing, livable, sustainable, well-connected to neighborhood services. The City is required to compile one or more lists that specify in detail the information required from any applicant for a development project.

II. RELATIONSHIP TO THE ZONING CODE, GENERAL PLAN AND SPECIFIC PLANS

A. Zoning Code

The Residential Development Design and Development Standards are consistent with the City's Zoning Code. These standards are intended to complement the development standards within the Zoning Code but not replace standard zoning district requirements. The Residential Development Design and Development Standards shall apply to all residential development projects proposed in the City (unless exempt).

The intent of these Residential Development Design and Development Standards shall be met unless it can be demonstrated to the satisfaction of the decision-making body for the development project that meeting the intent of the Residential Development Design and Development Standards is physically infeasible or detrimental to the environmental quality of the project or surrounding area. The intent of these Residential Development Design and Development Standards shall be met unless otherwise noted. Where these Residential Development Design and Development Standards are silent or perceived to be silent, the Zoning Ordinance shall govern.

B. **General Plan**

The General Plan establishes land use designations, densities, and a wide variety of other policies related to future development. Where there is conflict between these Residential Development Design and Development Standards, the General Plan governs.

C. **Specific Plan**

The Downtown Specific Plan (DTSP) was developed for the Morgan Hill Downtown and provides greater detail about land use, development standards, and building design than exist in the General Plan, and serves as the zoning for the area. The Residential Development Design and Development Standards shall be the primary guiding document for review of residential projects within the DTSP area.

III. **EXEMPTIONS**

The Residential Development Design and Development Standards shall not apply to projects determined to be exempt from Design Review in accordance with Section 18.108.040.F (Exempt Projects).

IV. **DEFINITIONS**

- A. **Rules of Measurement.** Refer to Chapter 18.12 of the Morgan Hill Municipal Code.
- B. **Land Use Definitions.** Refer to Chapter 18.124 of the Morgan Hill Municipal Code.
- C. **General Terms.** Refer to Chapter 18.28 of the Morgan Hill Municipal Code.
- D. **Mixed-use Developments.** A mixed-use development shall consist of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.
- E. **100 Percent Affordable Project.** A project (rental and for-sale projects) that commits 100 percent of the units as deed restricted with an affordability structure resulting in units available to extremely low income (0-30% Area Median Income), very low income (30-50% Area Median Income), low income (51-80% Area Median Income) or moderate (81-120% Area Median Income) households.
- F. **Agricultural Use.** Agricultural use is defined as the use of the land for agricultural purposes, including crops, or crop trees, including floriculture, horticulture, viticulture, crops grown within greenhouses or other buildings, vineyards, crop harvesting, raising of animals (including apiaries, aviaries, dairying, pasturage, and fish farms), and grazing, and including necessary accessory uses for packing, processing, treating or storing of produce, and consistent with the governing jurisdiction's pertaining land use regulations. Qualifying agricultural use activities are those uses defined in Section 18.152.030.E of the Morgan Hill Municipal Code.

G. **“Active” agricultural use.**

- a. Crop lands temporarily fallowed or grazing lands temporarily unused through rotational grazing may be considered an agricultural use if it can be demonstrated such practice is a typical and appropriate agricultural management strategy. For a livestock production, land that is fenced and available for grazing will be considered as being an agricultural use, even though grazing may only occur on a seasonal basis. In all cases, commercial agriculture must be the primary use of the land; or,
- b. The property has generated annual revenue from sales of agricultural commodities in 3 of the past 5 years.

V. **DESIGN AND DEVELOPMENT STANDARDS**

These Residential Development Design and Development Standards augment the standards in the City’s Municipal Code and provide qualitative direction to meet the City’s goal for high quality design of residential projects. Any deviation from these Residential Development Design and Development Standards or the letter of these standards is a deviation from the Zoning Ordinance and requires approval of a Minor Exception as specified in Section 18.108.070 (Minor Exceptions) of the Morgan Hill Municipal Code. The Planning Commission shall review and take action on all requested exceptions. Appeals of completeness reviews shall be processed pursuant to Morgan Hill Municipal Code Chapter 18.112.

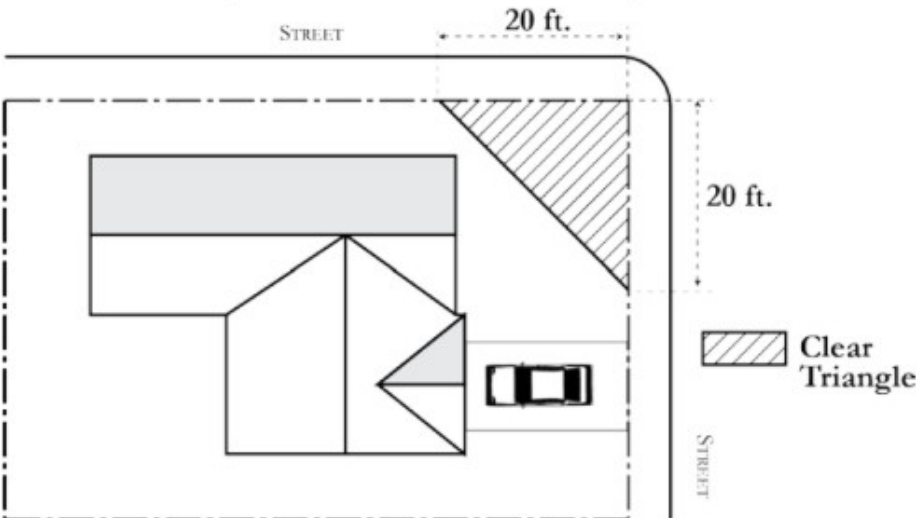
- A. **Development Services Requirements.** For each item on the list, compliance shall be indicated in the last column with a “Y” for yes, or “N” for no. If an item on the list is not applicable to a proposed project, “N/A” shall be noted.

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
AFFORDABLE HOUSING AND ACCESSORY DWELLING UNITS	
1. Inclusionary Housing and Below Market Rate Program: The project complies with Chapter 14.04 “Inclusionary Housing” which requires a specified percentage of inclusionary units, as described in detail below, in residential projects with two or more units to be made available at affordable rents or affordable sales prices. The inclusionary units shall be approved, and construction of the inclusionary units shall be completed not later than the times prescribed in Section 14.04.050 of the Morgan Hill Municipal Code, unless an alternative requirement is approved pursuant to Section 14.04.070 of the Morgan Hill Municipal Code. Projects with two or more units shall demonstrate compliance by providing the following:	Complies, condition requires IHO Agreement consistent with the IHO standards will be required prior to Building Permit Issuance

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
· For-Sale Projects in Downtown Specific Plan (DTSP) area: Designate at least 10 percent of the dwelling units at affordable sales prices to moderate-income households. · For-Sale Projects Outside DTSP area: Designate at least 15 percent of the dwelling units at affordable sales prices to moderate-income households · Rental Projects in DTSP area: Designate at least 10 percent of the dwelling units at affordable rents by low-income and very low-income households. At least one-half of required units are to be offered to very low-income households · Rental Projects Outside the DTSP area: Designate at least 15 percent of the dwelling units at affordable rents by low-income and very low-income households. At least one-half of required units are to be offered to very low-income households The applicant shall provide the following details on the development plans and application: a. the number of inclusionary units; b. the number of market rate units, c. the level(s) of affordability of the inclusionary units; d. the specific location of each inclusionary unit, including building and unit numbers for multifamily housing projects; e. product type of all project units including inclusionary units; f. plan/model types of all project units including square footage, bedroom and bathroom count; and g. timing of construction of inclusionary units in relation to the construction of the market-rate units contained in the development. All inclusionary units shall be geographically and proportionally dispersed throughout the residential project as described in Section 14.04.040.F. No inclusionary unit shall be located adjacent to another inclusionary unit. 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. If proposing to satisfy the requirement by an alternative means of compliance, sufficient information and documentation are provided as required by Section 14.04.070.	

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
Proposal of in-lieu fee payment above 50% Inclusionary Housing requirement is subject to approval by City Council.	
2. Accessory Dwelling Unit (ADU) Requirements: If the project includes ADU's, the project shall comply with Chapter 18.84 Accessory Dwelling Units of the Morgan Hill Municipal Code.	N/A
SITE PLANNING	
3. Zoning Compliance: Project complies with the applicable zoning district standards: a. Residential Estate Districts (RE-10, RE-2.5, RE-1). Refer to Table 18.16-2 of the Morgan Hill Municipal Code. b. Residential Detached Low and Medium Density Districts (RDL-20,000, RDL-12,000, RDM-9,000, RDM-7,000). Refer to Table 18.16-3 of the Morgan Hill Municipal Code. c. Residential Detached High Density District Development (RDH-4,500). Refer to Table 18.16-4 of the Morgan Hill Municipal Code. d. Residential Attached Low Density Districts (RAL-3,500, RAL-3,000) Refer to Table 18.18-2 of the Morgan Hill Municipal Code. ➤ Alternative Standards also available. Refer to Table 18.40-2. e. Residential Attached Medium Density (RAM). Refer to Table 18.18-3 of the Morgan Hill Municipal Code. ➤ Alternative Standards also available. Refer to Table 18.40-2. f. Residential Attached High Density (RAH). Refer to Table 18.18-3 of the Morgan Hill Municipal Code. g. For projects that include residential units within the Mix Use Neighborhood (MU-N) and Mixed Use Flex (MU-F) Districts, refer to Table 18.22-2 of the Morgan Hill Municipal Code. h. For project that include residential units within the Downtown Specific Plan refer to the development standards provided within the Downtown Specific Plan. i. Whenever a requirement of an overlay zone or combining district conflicts with a requirement of the underlying base zone, the overlay zone or combining district requirement shall control.	N/A

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
4. Phase I and Phase II Environmental Site Assessments (ESA): Applicants shall submit a Phase I ESA to evaluate the site for the presence of Recognized Environmental Conditions (RECs) related to the current or past use, handling, storage, or disposal of hazardous materials or petroleum products on or near the subject property. When a Phase I ESA reveals evidence of RECs, a Phase II ESA shall be submitted.	Complies. Phase I Provided, concluded Phase II <u>not</u> needed
5. Structures forty-five years in age or older: Development projects involving structures or buildings at least forty-five years in age shall submit an evaluation of the structure prepared by a qualified consultant and shall use the California Register Criteria for Evaluation and the adopted Morgan Hill Historic Context Statement to determine significance.	N/A
6. Archeological Survey: An archaeological survey for the site shall be prepared and submitted.	Conditioned prior to building permit issuance
7. Orientation to an <u>existing</u> Street: For residential buildings adjacent to a collector or arterial street, the primary entrance of homes (front door) is located along the street unless sound walls are installed (see “Sound Wall” section for requirements). (GP Policy CNF-11.18 Orientation to the Street)	Complies
8. Intersection Sight Distance/Clear Vision Triangle: For projects located adjacent to pedestrian crossings or street intersections, a “Clear Vision Triangle” (see figure below) is provided to comply with the City’s Municipal Code Section 18.92.080, Intersection Sight Distance. This triangular area ensures that drivers, bicyclists and pedestrians have clearer views of crossing traffic, which improves intersection safety for all parties. No structure, vehicle, object or landscaping over three feet in height may be placed within a clear vision triangle. Trees pruned at least eight feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a clear vision triangle. The areas subject to these standards are those portions of the Clear Vision Triangle areas located on private property outside the public right-of-way. Where the required front and side yards for a project measure less than 25 feet when combined, the distance of each of the two sides of the clear vision triangle along the property lines will be 15 feet.	Complies

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
	
9. Sound Walls: Sound walls are discouraged. An Acoustical Analysis shall be provided to demonstrate need for noise impact mitigation. Site planning and design techniques shall be utilized to minimize the use of sound walls. Sound wall is allowed if required to meet noise standards and applicant has demonstrated that other forms of mitigation are not available as described herein. Application demonstrates that other forms of mitigation such as installation of earth berms; increasing the distance between the noise source and the receiver; intervening placement of non-sensitive structures such as parking lots, utility areas, and garages to shield noise sensitive areas; orientating buildings to shield outdoor spaces from the noise sources; and minimizing noise at its source are not available. If a sound wall is allowed, the maximum height of the sound wall shall be eight feet. Dimension shall be as determined in the acoustical analysis. Residential projects adjacent to the freeway shall meet the criteria as described in SSI-9.3 of the General Plan. The sound wall must be landscaped or vegetated for aesthetic purposes and to prevent graffiti and vandalism. (GP Policy CNF-8.14, SSI-8.9, 9.2, 9.3, 9.4, 9.6, and 9.7)	Complies As designed and conditioned, no sound walls will be installed along Butterfield Blvd and Tennant Avenue.
10. Agricultural Buffer: If the project is located adjacent to an active agricultural use, an open space easement has been provided to buffer between the active agricultural use that are adjacent to the proposed project and new development. The size and configuration of the buffer is a minimum of 100 feet between the active agricultural use and the nearest new structure as measured from the property line. (GP Policy NRE-4.9 Urban Encroachment)	N/A

DESIGN AND DEVELOPMENT STANDARD				PROJECT COMPLIES																												
11. On-Site Recreational Amenities: The project has provided on-site recreational amenities to serve residents based on the following table: (GP Policy CNF-11.10 Open Space) <table><tr><th colspan="4">NUMBER OF AMENITIES REQUIRED FROM EACH TIER BASED ON PROJECT SIZE</th></tr><tr><th>Project Size</th><th>Tier 1</th><th>Tier 2</th><th>Tier 3</th></tr><tr><td>16 to 50 units</td><td>2</td><td>2</td><td></td></tr><tr><td>51-100 units</td><td>2</td><td>2</td><td>1</td></tr><tr><td>101-150 units</td><td>2</td><td>2</td><td>2</td></tr><tr><td>151+ units</td><td>2</td><td>3</td><td>3</td></tr><tr><td>201+ units</td><td>2</td><td>3</td><td>3</td></tr></table> <u>Tier 1 amenities:</u> • Shuffleboard • Horseshoes • Bowling green w/artificial turf • Picnic/barbeque area • Park benches • Passive water features (e.g. fountain) • Passive recreation area and/or gardens • Tot Lot (small playground, typically designed for toddlers 2 and under) <u>Tier 2 amenities:</u> • Cabana or shade trellis area • Two picnic/barbeque areas • Clubhouse • Volleyball court and/or Bocce ball court • Outdoor racquetball/handball tilt-up wall • Dog Park • Sauna and/or Jacuzzi • Community garden plots (minimum one forty-eight-square-foot plot per each ten dwelling units) with water service located in an area that will get a minimum of six hours of direct sun when trees mature • ½ court basketball (one hoop) • Bridle paths • Bocce ball				NUMBER OF AMENITIES REQUIRED FROM EACH TIER BASED ON PROJECT SIZE				Project Size	Tier 1	Tier 2	Tier 3	16 to 50 units	2	2		51-100 units	2	2	1	101-150 units	2	2	2	151+ units	2	3	3	201+ units	2	3	3	Complies
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201+ units	2	3	3																													

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
• Artificial turf putting green • Exercise structure or complex (age-appropriate play equipment/minimum three activities; can be integrated in structure) <u>Tier 3 amenities:</u> • Softball field • Sports court and/or 2 1/2-court basketball courts (two hoops) • Restroom area • 1/2 scale soccer field • Exercise structure or complex (age-appropriate play equipment/minimum five activities; can be integrated in structure) • Jacuzzi and separate child wading pool • Tennis court • Recreation hall with exercise equipment and/or game equipment • Exercise room • Clubhouse w/ kitchen • Swimming pool	
12. Water Conservation in Landscaping: The project has provided landscape and irrigation plans demonstrating compliance with Morgan Hill Municipal Code Chapter 18.148 (Water Conservation in Landscaping). (GP Policies NRE-6.6 and NRE-7.3)	Conditioned prior to building permit issuance
13. Landscaping Plan: 13.1 The Project is required to provide detailed landscape plans in compliance with Section 18.64.040 (Landscape Plan required) of the Morgan Hill Municipal Code. 13.2 Landscape plans must demonstrate compliance with Section 18.64.060 (General landscape requirements) of the Morgan Hill Municipal Code. 13.3 Pursuant to Morgan Hill Municipal Code section 18.64.050: - All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained. - Landscaping may consist of any combination of living plants, such as trees, shrubs and grass or related natural features, such as rock, stone, or mulch. Decorative hardscape featuring pervious materials is permitted within required landscaping areas.	Complies

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
c. For projects with a proposed stormwater treatment facility(ies), the Landscaping Plan includes appropriate landscaping for all bioretention and other vegetated stormwater treatment facility(ies). For plant guidance, check the Central Coast Low Impact Development Initiative (LIDI) website at https://www.centralcoastlidi.org/landscape.php. For projects adjacent to streams, the Landscaping Plan shows the use of locally native plants for all landscaping and revegetation adjacent to a stream and within a riparian area to comply with the City's adopted Santa Clara Valley Water Resource Protection Collaborative's "Guidelines and Standards for Land Use Near Streams." A copy of the guidelines and standards can be found at https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams.	
14. Wildland-Urban Interface Fire Area: New developments and projects proposed within a locally adopted Wildland-Urban Interface Fire Area shall include a plan for the protection of the community from any unreasonable risks associated with the effects of wildland and urban fires. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management, evacuation routes, peak load water supply requirements, and minimum road widths, as those items relate to identified fire hazards and reviewed and approved by the Fire Marshal.	N/A
15. Trees: The project shall submit an arborist report for the project site, when trees are present on or directly adjacent to the site. The project has identified all trees to be removed on the project landscape plan and/or grading plan, has proposed a two-to-one ratio of replacement trees, and has applied for the required Tree Removal Permit in accordance with Chapter 12.32 (Restrictions on Removal of Significant Trees) of the Morgan Hill Municipal Code. All replacement trees must comply with the City's Master Street Tree Plan adopted by City Council on March 6, 2019.	Complied and conditioned
16. Useable Private and Common Open Space: Each lot must include a private open space area, such as a private yard, porch, balcony, roof garden, or patio. Private open space must be contiguous to the unit it serves and accessible and visible from the living area of the unit. Private open space must be open air. Private open space cannot be covered by a roof by more than 50 percent of the area; however, balconies can have up to 100 percent ceiling coverage. The following private open space is required per unit type:	Conditioned to demonstrate compliance prior to building permit issuance

DESIGN AND DEVELOPMENT STANDARD					PROJECT COMPLIES																				
a. Single-family attached and detached units meeting the following average lot sizes shall provide useable open space as specified: <table><tr><td></td><td colspan="4">Average Lot Area (square feet)</td></tr><tr><td></td><td>1,440-1920</td><td>1,920-2,999</td><td>3,000,4,356</td><td>4,357-6,999</td></tr><tr><td>Private Open Space</td><td>60 square feet per unit</td><td>150 square feet per unit</td><td>300 square feet per unit</td><td>350 square feet per unit</td></tr><tr><td>Common Open Space</td><td>140 square feet per unit</td><td>150 square feet per unit</td><td>175 square feet per unit</td><td>200 square feet per unit</td></tr></table>						Average Lot Area (square feet)					1,440-1920	1,920-2,999	3,000,4,356	4,357-6,999	Private Open Space	60 square feet per unit	150 square feet per unit	300 square feet per unit	350 square feet per unit	Common Open Space	140 square feet per unit	150 square feet per unit	175 square feet per unit	200 square feet per unit	
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Private Open Space	60 square feet per unit	150 square feet per unit	300 square feet per unit	350 square feet per unit																					
Common Open Space	140 square feet per unit	150 square feet per unit	175 square feet per unit	200 square feet per unit																					
b. Single-family detached (lots 7,000 square feet and over)- 500 square feet per unit (Private Open Space)																									
c. Multi-family residential – At least fifty percent of the units have at least 48 square feet per unit (Private Open Space). Fifteen percent of the site area shall be dedicated to common open space.																									
d. If On-site Recreational Amenities are not provided, private and common open space shall be increased by 25 percent.																									
Common open space shall be fully landscaped and accessible to all residents. Private open space per unit may be reduced by up to 25 percent if off-set by the equivalent increase in common open space with amenities. (GP Policy CNF-11.29 Multi-Family Open Space)																									
PARKING IMPROVEMENTS																									
17. Required On-site Parking Spaces: The project complies with the parking requirements specified in Section 18.72.030 of the Morgan Hill Municipal Code.					Complies																				
18. Parking Design and Development Standards: The project complies with the parking design and development standards specified in Section 18.72.060 of the Morgan Hill Municipal Code.					Complies with Government Code Section 65915(f)																				
19. Parking Lot Layout: For multi-family projects, the parking for the project is dispersed throughout the project in smaller segmented parking areas, rather than the creation of a large parking lot. Parking is located interior to or at the back of the site where it is not visible to the street.					Complies																				
20. Bicycle Parking and Storage: All multi-family developments of five units or more are required to provided bicycle parking in compliance with Section 18.72.080 of the Morgan Hill Municipal Code.					Complies																				

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
a. Short-Term Spaces: Ten percent of required automobile spaces; minimum of 4 spaces required. Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve. b. Long-Term Spaces: One space per 5 units required. The following standards apply to long-term bicycle parking: 1. Location. Long-term bicycle parking shall be located on or within seven hundred fifty feet of the use that it is intended to serve. 2. Security. Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are: a. In a locked room or area enclosed by a fence with a locked gate; b. Within view or within one hundred feet of an attendant or security guard; c. In an area that is monitored by a security camera; or d. Visible from employee work areas. All bicycle parking shall comply with the following: a. Parking Space Dimensions. 1. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space. 2. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering. 3. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features. 4. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles. b. Rack Design. Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position. c. Cover. Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from rainfall, and at least seven feet above the floor or ground.	
21. Exterior Parking Lot Lighting: For projects with more than six parking spaces, detailed lighting information is provided in compliance with Section 18.72.060.G of the Morgan Hill Municipal Code. Lights shall use cut-off shields and be downward directed.	Conditioned for review during building permits
22. Parking Area Landscaping: Projects with six or more parking spaces must demonstrate compliance with the parking lot screening and parking lot landscaping requirements specified in Sections 18.72.060.I (Parking design) and 18.72.070 (Parking lot landscaping) of the Morgan Hill Municipal Code.	Complies

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
23. Pedestrian Access: Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements specified in Section 18.72.060.H of the Morgan Hill Municipal Code.	Conditioned for review during building permits
24. Electric Vehicle Charging Stations: Parking lots with more than twenty-five parking spaces shall incorporate electric vehicle charging stations in compliance with Section 18.72.040.C of the Morgan Hill Municipal Code.	Conditioned for review during building permits
ARCHITECTURAL DESIGN FEATURES	
25. Front Porches: 50 percent of homes facing a street or common interior courtyard include a front porch on the ground floor with a minimum size of 6 feet by 5 feet.	Complies and conditioned
26. Balconies: 25 percent of homes facing a street, alley or common interior courtyard include a balcony overlooking a common area with a minimum size of 6 feet by 4 feet.	Complies and conditioned
27. Fences: All fences and walls designed for screening purposes shall be of solid material. Chain link or chain link with slats is not permitted.	Complies and conditioned
28. 360 Degree Architecture: The project includes two of the following details: Windows, shutters, awnings, bay windows, trellis features, texture variations, stone, brick, or other material enhancements. All facades (sides and rear) must have the level of detail, and materials incorporating at a minimum of two elements of the front façade. There shall be no blank walls. (GP Policy CNF-11.16 360-Degree Design)	Complies
29. Exterior Treatments and Materials: At least two materials shall be used on any building facade, in addition to glazing and railings. Any one material must comprise at least 20% of any building facade, excluding windows and railings. A change in material must be offset by a minimum of six inches in depth. Exterior finish materials should be chosen and applied to not appear artificial as in the case of brick veneer applied on a single building face so that it is obviously ¼ inch thick when viewed from the side, or in the case of a trellis made of 2 inch x 2 inch or 2 inch x 4 inch members. Veneers are required to turn corners, avoiding exposed edges.	Complies

30. Roof line Variation for three or more units: Roofs have been designed to incorporate a minimum of two varying roof heights or types (hip, gable, shed, flat, etc.)	Complies
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DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
31. Height and Project Massing: Project design minimizes bulk of the buildings by limiting building length, or designing buildings with the following special features to break up building bulk, including: a. Changes in roof form and height; and, b. Major full-height recesses (At least 10 feet deep for multi-family projects and three feet deep for single-family attached projects) along the length of the building that successfully break the building into smaller discrete masses. (General Plan Policy CNF 11.22)	Project provides three building types: 6 plex, 68-plex, and 39-plex
32. Separate Structures-Attached Projects: Large projects shall be divided into separate structures. The maximum number of units per structure is as follows: a. Single-family Attached: 7 units maximum per structure (General Plan Policy CNF 11.22) 100 percent affordable projects are exempt from this requirement	N/A Multi-Family Attached
33. Building Colors: The project has provided a sample color palette of complimentary colors used in the surrounding neighborhood. The number of colors appearing on any building exterior is limited to no more than four colors or tones of the same color, including trim and accent colors. a. The use of fluorescent or neon colors is prohibited.	Complies
34. Window Design: The window recesses, trim and other window elements have been designed to be substantial in depth to create shadows. The project incorporates at least one of the following window features throughout the project: a. Minimum depth of at least 1 1/2 inches from glass to exterior of trim; b. Minimum depth of at least six inches from glass to wall edge around windows if there is no trim (this is only appropriate for certain architectural styles such as Spanish Revival or Modern); or, c. Decorative trim elements that add detail and articulation, such as window surrounds with at least a two-inch depth. They must be designed as an integral part of the design.	Complies and conditioned for review during building permits
35. Glazing: Mirrored glass is prohibited in order to minimize off-site glare and maximize transparency.	Complies
36. Exterior Lighting and Illumination: Wall-mounted lights or bollards shall be provided for security purposes. Lights shall be directed down and shielded to avoid	Conditioned for review during building permits

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
glare impacts. The project has demonstrated compliance by submittal of a photometric plan and fixture details.	
37. Equipment Screening: All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the public-right-of-way, common areas, or contained within an enclosed structure. Equipment to be screened includes, but is not limited to, all roof mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building, and equipment enclosures have been screened with landscaping. Chain link fencing with wood inserts shall not be used to screen equipment.	Conditioned for review during building permits
38. Residential Parking Garages: The project is designed to reduce the prominence of garage doors through one or more of the following strategies: a. Locate the garage door behind the front porch and/or living space, relative to the front lot line; b. Design the second floor to overhang beyond the garage door; c. Locate the garage to the side or rear of building rather than at the center; or d. For garages with three or more non-tandem parked cars, the area of the front wall(s) of garage(s) shall not be more than 25 percent of the cumulative exterior front walls of two-story single family residential building; no more than 50 percent of the cumulative exterior front walls of a one story single-family residential building; and at least one front wall of a three-car garage must be separated from the remaining garage front wall by at least two feet. (GP Policy CNF-11.19 Parking and Driveways)	Complies
39. Garage Door Design: The garage doors proposed within the project feature windows or other architectural design features consistent with the main dwelling.	Conditioned for review during building permits
40. Driveway/Vehicle Pavement: For detached single-family projects, paved areas and hard surface for vehicle access and parking does not occupy more than 50 percent of the front and street-side setback area.	N/A
41. Pavement Design: The project has incorporated decorative, pervious paving into paved and landscaped areas by 10 percent to reduce the visual impact of paved surfaces. Decorative paving includes: brick, stamped colored concrete, stone blocks or pavers, interlocking colored pavers, grasscrete, and other comparable materials. Priority locations for decorative paving may include the following: a. The first 20 feet of the driveway closest to the street;	Conditioned for review during building permits

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
b. A four-foot wide pedestrian path along the length of the driveway, if no sidewalk is provided; c. Parking maneuvering areas; d. Parking aprons; and e. Parking areas or fire turnarounds that can also occasionally function as outdoor courtyards.	
42. Multi-family Roof Form: The roof element of the multi-family project is designed such that no more than two side-by-side units are covered by one unarticulated roof. Articulation may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets. Other alternative design approaches that achieve the same goal of breaking down building masses into small individual units may also be acceptable, for example shifting the units in section and varying the design treatment for individual units. (GP Policy CNF-11.22 Minimized Mass and Scale)	Complies
43. Massing for three story buildings or taller: Buildings three stories or taller shall have major massing breaks at least every 100 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.	Complies
44. Distinct material changes for three story buildings or taller: Buildings three stories or taller must provide a ground floor elevation that is distinctive from the upper stories by providing a material change between the first floor and upper floors along at least 75% of the building façade with frontage upon a street, adjacent public park or public open space.	Complies
45. Trash Enclosure, Solid Waste and Recyclable Materials: Demonstrate on the site plans the route of collection trucks and that the service locations provide adequate space to accommodate service needs for solid waste, organics and recycling to be picked up according to the standards set forth by Recology South Valley, including driveway and street widths, street weight standards, and turn around radius. See, www.recology.com/recology-south-valley. Driving surfaces must withstand 60,000 lbs. Additionally: 45.1 Multifamily: Detailed enclosure plans are required for multi-family, new construction, and alteration projects, and comply with the following: a. The exterior materials and colors of the enclosure walls shall match the building walls.	Complies

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
b. Chain link fencing with or without wooden/plastic slats is prohibited. c. Roofs shall be painted with rust-inhibitive paint. d. Shall not obstruct on-site or off-site pedestrian or vehicle traffic movement. If project requires a consolidated solid waste plan, the project shall comply with the enclosure and development guidelines specified by Recology South Valley. All trash enclosure areas must meet the following structural or treatment control Best Management Practices (BMP) requirements (individual single-family residences are exempt from these requirements): a. Roof Required: Trash enclosure areas shall have an all-weather noncombustible solid roof to prevent rainwater from mixing with the enclosure's contents. b. Walls Required: Trash enclosure shall have structural walls to prevent unauthorized off-site transport of trash. c. Doors: Trash enclosure shall have door(s) which can be secured when closed. d. Grades: The pad for the enclosure shall be designed to not drain outward, and the grade surrounding the enclosure shall be designed to not drain into the enclosure. e. Drain Inlet: Within the enclosure, an area drain with an approved (Zurn) vandal proof drain shall be installed and shall be plumbed to the sanitary sewer system with grease trap. Grease trap shall be located within the trash enclosure footprint. 45.2 Single Family Units or developments that will not use trash enclosures. Designate solid/recycling/organics receptacle storage area.	

B. Engineering-Land Development Requirements

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
SITE PLANNING	
46. Arterial Design and Landscaping: Development adjacent to arterial streets is designed without fences or walls (unless required for sound mitigation as determined by an Acoustical Analysis) or landscape designed wall not exceeding three feet in height. (GP Policy TR-3.20 Arterial Design and Landscaping) Development adjacent to arterial streets with existing median without landscaping provides the required landscaping in the median. The median improvements will be subject to City reimbursement in the form of credits against the Traffic Impact Fees due from the project. The project shall be	Complies and conditioned

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
reimbursed the actual consultant fees, review fees, permit fees, and construction costs of construction the median improvements. Refer to the City's Median Design Guidelines. (GP Policy CNF-8.10 Public Landscaping)	
47. Street Improvements: New public and private streets serving the project are designed to be consistent with the General Plan Transportation Element as well as the Street Standard Details in the City's Standard Details. The project installs and dedicates street improvements including, but not limited to, curb and gutter, sidewalk, compaction, street paving, oiling, storm drainage facilities, sewer and water, fire protection, undergrounding of utilities and street lighting.	Conditioned consistent with the settlement agreement
48. Utility Location and Easement: New utility transformers are installed underground unless precluded by physical limitations of the project site. Utility locations do not interfere with the viability of tree maturity, function of stormwater treatment facilities, or use of open space. A Public Service Easement (P.S.E.) with a minimum width of 10' is provided adjacent to all public rights-of-way for public and private utilities (including gas, electric, telephone and cable communications conduits or duct banks). When the development standards for any given zoning district conflict with the distance, the zoning standard shall govern. All public utilities for sewer, storm, or water within the project are within a public right-of-way. An exhibit illustrating the P.S.E. shall be provided.	Conditioned to be reviewed during building permits
49. Undergrounding Utilities: All new utility distribution and service connections are placed underground. This standard does not apply to aerial power transmission lines. All existing overhead utilities adjacent to any site boundary, within the project site, or along any street frontage are placed underground in accordance with City standards and affected utility company guidelines.	Conditioned to be reviewed during building permits
50. Meter Location: Water meters shall be located within City right-of-way or within a recorded Public Service Easement (P.S.E). Residential water meters provided in accordance with the following standards.	Conditioned for review during building permits

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
a. Single Family Detached Dwellings: 1. Public Street Frontage – One public meter for each residence. 2. Private Street/Private Drive Frontage – Public master meter entering complex, plus private individual submeters for each residence. c. Water service laterals do not cross lots they do not serve. b. Single Family with Accessory Dwelling Unit: One public meter for the main residence, and either a separate public meter or a private submeter for the Accessory Dwelling Unit. c. Two Single Family Dwellings on one lot and Duplexes/Duets: One public meter for each residence. d. Single Family Attached Dwelling, with Individual Lots Associated with Each Dwelling (ex. Townhomes, etc.): 1. Public Street Frontage – One public meter for each unit. Separate public meter for irrigation system. Separate meter for each ancillary building. 2. Private Street/Private Drive Frontage – Public master meter entering complex. Separate public meter for irrigation system. Private individual submeters for each residence. Separate private meter for each ancillary building. e. Multi-Unit Condominium Buildings with Shared Use of Common Land: 1. Public Street Frontage – One public meter per building. Separate public meter for irrigation system. Separate private submeters for individual units. Separate meter for each ancillary building. 2. Private Street/Private Drive Frontage – Public master meter entering complex. Separate public meter for irrigation system. Individual private submeters for each building. Separate private meter for each ancillary building. f. Multi-Unit Apartment Building with Shared Use of Common Land: 1. Public Street Frontage – One public meter per building. Individual private submeters for each unit. Separate public meter for irrigation system. 2. Private Street/Private Drive Frontage – Public master meter entering complex. Separate public meter for irrigation system. Individual private submeters for each unit. Mixed residential and commercial uses have separate meters.	

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES														
Private submeters comply with the submeter requirements under the City’s Municipal Code Section 13.04.130 and are in an accessible location.															
51. Stream Channel and Riparian Setbacks: If the project is located adjacent to a Category 1 or Category 2 stream (as verified by a biologist, hydrologist or other qualified professional) and the required setbacks have been identified on the project plans. (GP Policy NRE-5.6 Stream Channel Protection) TABLE NRE-1 REQUIRED STREAM SETBACK DISTANCES <table><tr><th rowspan="3">Slope</th><th colspan="2">Category 1 Streams (Water Present Year Round During Normal Rain Years)</th><th>Category 2 Streams (Water Present During the Wet Season Only During Normal Rain Years)</th></tr><tr><th>Inside Urban Service Area</th><th>Outside Urban</th><th>Inside/Outside Urban Service Area</th></tr><tr><td>0-30%</td><td>100 feet</td><td>150 feet</td><td rowspan="2">35 feet</td></tr><tr><td>>30%</td><td>150 feet</td><td>200 feet</td></tr></table> All stream channels and riparian setbacks have been identified on the Site Development Plans. Documentation shall be provided by a biologist, hydrologist or other qualified professional identifying the Category of the waterbody and the required setbacks. The project is also in substantial conformance with the adopted User’s Manual of Guidelines and Standards for Land Use Near Streams (a Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County). A copy of the manual can be viewed at https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-standards-for-land-use-near-streams.	Slope	Category 1 Streams (Water Present Year Round During Normal Rain Years)		Category 2 Streams (Water Present During the Wet Season Only During Normal Rain Years)	Inside Urban Service Area	Outside Urban	Inside/Outside Urban Service Area	0-30%	100 feet	150 feet	35 feet	>30%	150 feet	200 feet	Complies
Slope		Category 1 Streams (Water Present Year Round During Normal Rain Years)		Category 2 Streams (Water Present During the Wet Season Only During Normal Rain Years)											
		Inside Urban Service Area	Outside Urban	Inside/Outside Urban Service Area											
	0-30%	100 feet	150 feet	35 feet											
>30%	150 feet	200 feet													
52. Landscaping-Parkway/Park Strip Design: A minimum 5-foot wide planted parkway (measured from face of curb) with irrigation system shall be provided between the street and sidewalk. Parkway shall be planted with street trees identified within the City of Morgan Hill Master Street Tree Plan. For parkways within a public right-of-way, the City Engineer or designee shall select the species from the applicable planting zone list of the Master Street Tree Plan.	Complies and conditioned for review during building permit														
PEDESTRIAN, BICYCLE AND TRANSIT IMPROVEMENTS															

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
53. Projects abutting developed land: The project aligns and connects streets intersecting the project boundary with all adjoining streets. (GP Policy CNF-11.5 Outside Connections)	Complies
54. Projects abutting undeveloped land: The project extends streets to the adjoining undeveloped land to provide access to undeveloped land in the event of its future development. (GP Policy CNF-11.5 Outside Connections) The project has provided a public access easement in private streets for sidewalks, trails, greenways, and other pedestrian and bicycle facilities.	Complies
55. Off-street bicycle and pedestrian connections: The project has provided off-street bicycle and pedestrian connections in accordance with the Bikeways, Trails, Parks and Recreation Master Plan, as well as General Plan Policy CNF-11.5 Outside Connections and General Plan Policy CNF-11.6 Open Space Connections. Connections must be established and maintained through a public access easement, dedication or other similar method to guarantee it remains accessible to the general public. Off-street bicycle and pedestrian accessways are at least 15 feet wide, have no horizontal obstructions, and have a minimum of 9 feet-6 inches high vertical clearance. If the off-street bicycle and pedestrian accessway remains in private ownership, recordation of a maintenance agreement is required prior to acceptance of the street improvements. All easements and dedications will be required as Conditions of Approval.	Complies
56. Complete Streets: The project incorporates “Complete Street Design Elements” that meet the needs of multiple users, including motorists, bicyclists, pedestrians, transit users, and persons of different physical capabilities. (GP Policy CNF-11.8 Multi-Modal Transportation System) NOTE: These standards apply to projects with new public streets, new private streets and/or private drives and for projects required to perform major changes to existing public or private streets. <u>Complete Street Design Elements</u> a. Pedestrian infrastructure such as sidewalks; traditional and raised crosswalks; median crossing islands; Americans with Disabilities Act of 1990 compliant facilities including audible cues for people with low vision,	Complies

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
pushbuttons reachable by people in wheelchairs, and curb cuts; and curb extensions. b. Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes, including a road diet, center medians, traffic circles, narrow travel lanes, bulbouts, shorter curb corner radii, elimination of free-flow right-turn lanes, angled and face-out parking. c. Bicycle accommodations, such as protected or dedicated bicycle lanes, neighborhood greenways, wide paved shoulders, and bicycle parking. d. Green Streets, the natural systems approach (incorporates vegetation and/or permeable pavements) to enhance pedestrian safety, reduce stormwater flow and improve water quality. Green Streets are designed to capture rainwater at its source. The project identifies the applicable design standards and/or guidance from the following design guidance documents that are incorporated into the project's proposed Complete Street design elements: a. American Association of State Highway and Transportation Officials (AASHTO) – A Policy on Geometric Design of Highway and Streets, Guide for the Development of Bicycle Facilities, Guide for the Planning, Design, and Operation of Pedestrian Facilities; b. Public Right-of-Way Accessibility Guide (PROWAG); c. Manual on Uniform Traffic Control Devices (MUTCD); d. Americans with Disabilities Act Accessibility Guidelines (ADAAG); and e. National Association of City Transportation Officials (NACTO) – All Design Guides.	
57. Valley Transportation Agency (VTA) Compliance and Review: Project applicant has provided review letter from VTA that project has been reviewed for compliance with their standards and requirements. Project application will not be deemed complete until letter has been provided to the City. Transit improvements within the public right-of-way are subject to approval by the City Engineer or designee.	Complies
58. Bicycle and pedestrian improvements (Multi-family projects): The project incorporates <u>two or more</u> enhanced bicycle and pedestrian improvements such as bicycle storage facilities, traffic calming measures, intersection crossings, and wayfinding signage. (GP Goals TR-8 and TR-9)	Complies

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
59. Internal pedestrian connections: The project provides pedestrian connections from all entrances to common open space, recreation facilities, and other project amenities.	Complies
60. Continuous Sidewalks: The project provides continuous sidewalks along both sides of the street frontage(s). (GP Policy CNF-11.9 Continuous Sidewalks) The project shall demonstrate compliance with Chapter 17.34 – Standards for Residential and Private Streets of the Morgan Hill Municipal Code by providing detached sidewalks and park strips, as required for primary residential streets, secondary residential streets and cul-de-sacs.	Complies
MUNICIPAL INFRASTRUCTURE	
61. Water Infrastructure: The project provides local water distribution lines to serve the proposed project and designed in accordance with accepted engineering principles and shall conform to the City’s Design Standards and Standard Details. Public water mains may not be designed outside the street right-of-way. All residential projects with 50 or more units are designed to have a dual feed (or “looping”) system. Project shows conformance to the latest separation criteria in the California Waterworks Standards (California Code of Regulations (CCR), Title 22, Division 4, Chapter 16, Section 64572). All unused existing water services stubbed to the property are shown to be abandoned at the water main pursuant to city standards. Note: For corner parcels, where existing water services are stubbed to the property along both street frontages; the water services along the secondary street are utilized and the remaining unused existing water services are abandoned at the water main pursuant to city standards. The project proposes water infrastructure improvements consistent with the City’s Design Standards and Standard Details, and the City’s Water System Master Plan.	Complies and conditioned for review during building permit
62. Wastewater infrastructure: A sufficient wastewater collection system is provided to serve the proposed project and designed in accordance with accepted engineering principles and shall conform to the City’s Design Standards and Standard Details.	Complies and conditioned for review during building permit

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
All unused existing sewer laterals stubbed to the property shall be abandoned at the sewer main per city standards. Note: For corner parcels, where existing sewer laterals are stubbed to the property along both street frontages; the sewer lateral(s) along the secondary street shall be utilized and the remaining unused existing sewer lateral(s) shall be abandoned at the sewer main per city standards. The project proposes wastewater infrastructure improvements consistent with the City's Sewer System Master Plan. (GP Policy NRE-8.4 Sewer Service for Future Development)	
63. Storm Drainage Infrastructure: A sufficient storm drainage collection system is provided to serve the project and designed to be capable of handling a 10-year storm without local flooding. On-site detention facilities shall be designed to a 25-year storm capacity. Streets shall be designed to carry a 100-year storm. Proposed on-site detention facilities are shown on the plans. - The minimum required volume for the on-site detention facility(ies) is designed to hold the 25-year, 24-hour design storm event with an additional 25% detention basin volume for freeboard. - The 25-year, 24-hour design storm event is 5.24" rainfall if the downstream conveyance is capable of conveying excess flow up to the 100-year, 24-hour of 6.50" rainfall design storm. The design storm is based on Table 3.4 "Hydrology and Hydraulics Design Criteria for Ponding Basins" of the City's 2018 Storm Drainage System Master Plan. If the project is in the Fisher Creek Hydrologic Drainage Basin, as shown on Figure 4.1 of the City's 2018 Storm Drainage System Master Plan or subsequent amendments, or if the project's on-site drainage system does not have a reasonable connection to the City's storm drain system: - The project provides an on-site retention facility(ies) with the minimum required volume for the on-site retention facility(ies) designed to hold the 100-year, 24-hour design storm event with an additional 25% retention volume for freeboard. - The 100-year, 24-hour design storm event is 6.50" rainfall design storm. The design storm is based on Table 3.4 "Hydrology and Hydraulics Design Criteria for Ponding Basins" of the City's 2018 Storm Drainage System Master Plan.	Complies and conditioned for review during building permit

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
The detention or retention facility(ies) comply with Section 4.1600.2 through 4.1600.6 “Ponding Basins” of the City’s Storm Drain Design Standards. The project plans show the location of the proposed detention or retention facility(ies) and drainage report calculations and analyses demonstrating conformance with City Storm Drainage Design Criteria. (GP Policies SSI-16.2 and SSI-16.3) The project proposes storm drainage infrastructure improvements consistent with the City’s Storm Drainage Master Plan. The project has demonstrated compliance by providing a complete storm drainage study showing amount of run-off and existing and proposed drainage structure capacities, and shows the required on-site detention/retention facility(ies).	
64. Storm Water Infrastructure: If the project is creating and/or replacing 2,500 square feet or more of impervious surface, project complies with the California Regional Water Quality Control Board Central Coast Region (Region 3) Resolution No. R3-2013-0032 as described below and as documented by the Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements, and any subsequent amendments thereto. A copy of the guidance manual can be obtained through the following link: https://www.morgan-hill.ca.gov/DocumentCenter/View/12671/Storm-Water-Management-Guidance-Manual?bidId=. If the project is located within the San Francisco Bay Regional Board (Region 2) jurisdictional area, the project is required to comply with the Region 3 requirements. Submittal of a Geotechnical Report /Soils Assessment is required to determine if the stormwater system proposed will meet the permit requirements. For a project proposing underground infiltration systems (such as pre-manufactured vaults and modular structures), the project must include: - Statement of whether the site is suitable for the proposed underground infiltration system; - Site-specific soil infiltration rates for each area of the site at the depths (i.e., at the base of the facility) where the underground infiltration systems are proposed; - Field boring/test pit logs; - Information about any surface or subsurface soil contamination at the site;	Complies and conditioned for review during building permit

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
v. Identification of seasonally high depth to groundwater table surface elevation; and vi. Identification of potential impacts to nearby structural foundations Surface-based Structural Control Measures (SCMs), meaning infiltration facilities that allow runoff to be filtered through surface or imported soils (indirect infiltration method), such as bioretention areas, are required. A combination of indirect and direct infiltration systems is only allowed if proven necessary to increase detention and/or retention when other measures are insufficient (PCRs Section B.4.d.v), but underground infiltration systems are not allowed as the sole treatment method. A pretreatment system for the underground infiltration facility is required in order to reduce the sediment load entering the facility and to maintain the infiltration rate of the facility. Harvesting and use, infiltration, and evapotranspiration SCMs are preferred treatment methods (PCRs Section B.3.b.i). Specifically, the use of underground infiltration facilities in areas with high groundwater table or very low infiltration rates are prohibited, and infiltration testing and reporting and/or test pits to improve accuracy of infiltration rates at project sites are required. The project demonstrates compliance by providing a Stormwater Runoff Management Plan/Report, Stormwater Control Plan sheet, and all applicable stormwater performance certifications pursuant to the Stormwater Management Guidance Manual. For a project proposing underground infiltration systems, the project has demonstrated compliance with the following design criteria: a. Minimum soil infiltration rate: 1.0 inch per hour after applying a safety factor of 2, as initially determined from field-measured soil infiltration test. If the site-specific soil infiltration rate is less than 1.0 inch per hour after applying a safety factor of 2, a hydraulic modeling and calculation was provided showing the drawdown time for the system is no longer than 48 hours; b. Contributing drainage area to the underground infiltration system is less than 5 acres (217,800 sq. ft.); c. Meets the Santa Clara Valley Water District's Guidelines for Stormwater Infiltration Devices (<i>see page 25 of the Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements</i>) that include the following: • Required horizontal setbacks from drinking water wells, septic systems, underground storage tanks and known contamination sites;	

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
• Required vertical separation from seasonally high groundwater; and • If applicable, provides pretreatment prior to infiltration. d. Minimum 10' horizontal distance from a building or structural foundation unless a wider distance is recommended by the project's Geotechnical/Soils Engineer; e. Minimum 10' horizontal distance to any adjacent property line; f. Minimum distance from slopes greater than 15% as recommended by the project's Geotechnical/Soils Engineer; and g. Proposed underground infiltration system will not produce infiltrating water that contains a pollutant that will be discharged to a nearby waterway/surface water impaired for that pollutant. If the project is proposing pervious pavement as part of the stormwater design, the following are included in the submittal: a. Cross-section of the pervious pavement b. Proposed manufacturer design data for the pervious pavement c. Review letter, signed and stamped by the project's Geotechnical Engineer, approving the pervious pavement section if pervious pavement is proposed in areas subject to vehicular traffic, fire trucks, and waste management equipment. Pervious pavements are not allowed within a Public Service Easement (P.S.E.). (GP Policies SSI-16.2 and SSI-16.3)	
65. Floodplain Development: If the project is located within an area identified as Special Flood Hazard Areas or Floodway areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), the project is subject to the floodplain management regulations specified in Chapter 15.80 (Flood Damage Prevention) of the Morgan Hill Municipal Code. a. Project applicant shall submit flood study for review to the Valley Water District (the "District") and the District has provided written verification that project has been reviewed for compliance with their standards and requirements. Project application will not be deemed complete until written verification has been provided to the City. b. The project has provided the required development review information for Floodplain Administrator review: Plans drawn to scale, showing:	Complies and conditioned for review during building permit

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location; b. Proposed locations of water supply, sanitary sewer, and other utilities; c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities; d. Location of the regulatory floodway when applicable; e. Base flood elevation information as specified in Section 15.80.070 or Section 15.80.140.C of the Morgan Hill Municipal Code; f. Proposed elevation, based on North American Vertical Datum of 1988 (NAVD88), of the lowest floor (including basement) of all structures; and g. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. (GP Policies SSI-5.1, 5.2, 5.3, 5.6, 5.7 and 5.8) A flood study and supporting flood modeling is submitted to the City, and separately to Santa Clara Valley Water District (“Valley Water”) for review if the project involves any of the following: a. Proposing the placement of fill; or b. Proposing a design base flood elevation for a site that is located in a Special Flood Hazard Area without a base flood elevation; or c. Located on a site adjacent to a creek or waterway where a flood study is required by Valley Water. Project application will not be deemed complete until Valley Water has provided a written verification that the project has been reviewed for compliance with Valley Water’s standards and requirements and the project has paid Valley Water’s review fee. Project is also required to file the appropriate conditional FEMA Letter of Map Revision (CLOMR or CLOMR-F), as required by the results of the flood study, to FEMA and obtain FEMA’s response prior to approval of the Planning application. The final letter of Map Revision (LOMR or LOMR-F) will be required at building permit stage. If the project site is adjacent to a stream, creek or waterway, the project also shows that it is in substantial conformance with the adopted User’s Manual of Guidelines and Standards for Land Use Near Streams (a Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County). A copy of the manual can be viewed at https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-for-working-on-district-land-or-easement/guidelines-and-	

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
<i>standards-for-land-use-near-streams.</i> The project applicant submits a written statement on how the project has conformed to the following streamside activity types that are applicable to the project: I. Riparian Corridor Protection II. Bank Stability/Streambed Conditions III. Encroachments between the Top of Bank IV. Erosion Prevention and Repair V. Grading VI. Outfalls, Pump Stations and Site Drainage VII. Channelization VIII. Utility Encroachments IX. Trail Construction X. Septic Systems XI. Trash Control and Removal XII. Protection of Water Quality XIII. Groundwater Protection XIV. Flood Protection The Floodplain Administrator has reviewed the required development review information and has determined that the project complies with Chapter 15.80 of the Morgan Hill Municipal Code and the Guidelines and Standards for Land Use Near Streams.	
66. Broadband Connectivity: The project provides the following broadband connectivity to the project: a. Broadband conduit installed in the public right-of-way(s) to serve the project. The project is required to comply with the City's Broadband Standards for conduits installed in the public right-of-way(s) fronting the project site. A copy of the standards can be viewed from the City's Planning webpage. b. Broadband conduit from the public right-of-way to each home or occupied building in the project. c. Pre-install indoor conduit, wiring and other necessary infrastructure so that broadband service may be provided to each unit. (GP Action Items SSI-18.A and SSI-18.B)	Complies and conditioned for review during building permit

C. **BUILDING DIVISON REQUIREMENTS**

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
BUILDING DIVISION REVIEW	
67. Building Code Analysis: A preliminary Building Code analysis to show in compliance with building area, height, occupancy classification, and type of construction.	Complies and conditioned for review during building permit
68. Fire Separation: Show the location of building with fire separation distance from property lines and between buildings as applicable.	Complies and conditioned for review during building permit
69. Accessible path of travel: Delineate the accessible path of travel from public sidewalk, accessible parking/electric vehicle spaces, common areas to building entrances.	Complies and conditioned for review during building permit
70. Building it Green (BIG) and LEED Checklists: Build it Green (BIG) or LEED checklist (https://www.builditgreen.org/ , https://www.usgbc.org/) in compliance with the sustainable building regulations specified in Chapter 15.65 of the Morgan Hill Municipal Code.	Complies and conditioned for review during building permit
71. Gas Infrastructure Prohibited: Acknowledgement of no natural gas infrastructure in newly constructed buildings as specified in Chapter 15.63 of the Morgan Hill Municipal Code.	Complies and conditioned for review during building permit
72. Acoustical Analysis: Provide an acoustical analysis report with the plans showing interior and exterior noise mitigations in compliance with the MHMC Section 18.76.090, California Building Code and CAL Green Code.	Complies and conditioned for review during building permit

D. FIRE DEPARTMENT REQUIREMENTS

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
FIRE INFRASTRUCTURE REVIEW	
73. Installation of Fire Service Underground Piping, FDC's and Fire Hydrants. Demonstrate compliance with Specification No. 11-O, 11-P, and 11-Q of MH City Standards. https://www.morgan-hill.ca.gov/DocumentCenter/View/10668/Fire-Details-and-Specs?bidId=	Complies and conditioned for review during building permit
74. Fire Apparatus (Ladder Truck) Access Roads Required. Provide access as specified in Specification No. 11-B of MH City Standards. https://www.morgan-hill.ca.gov/DocumentCenter/View/10668/Fire-Details-and-Specs?bidId=	Complies and conditioned for review during building permit

Continued to next page

DESIGN AND DEVELOPMENT STANDARD	PROJECT COMPLIES
75. Fire Department (Engine) Driveways, Turn-around and Turn Outs Required. Demonstrate compliance with City of Morgan Hill Standard Details and Specifications 11-E. https://www.morgan-hill.ca.gov/DocumentCenter/View/10668/Fire-Details-and-Specs?bidId=	Complies and conditioned for review during building permit
76. Design and Installation of Fire Sprinkler Systems In Multi-Unit Residential Buildings. Demonstrate compliance with City of Morgan Hill Standard Details and Specification No. 11-Q https://www.morgan-hill.ca.gov/DocumentCenter/View/10668/Fire-Details-and-Specs?bidId=	Complies and conditioned for review during building permit

VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

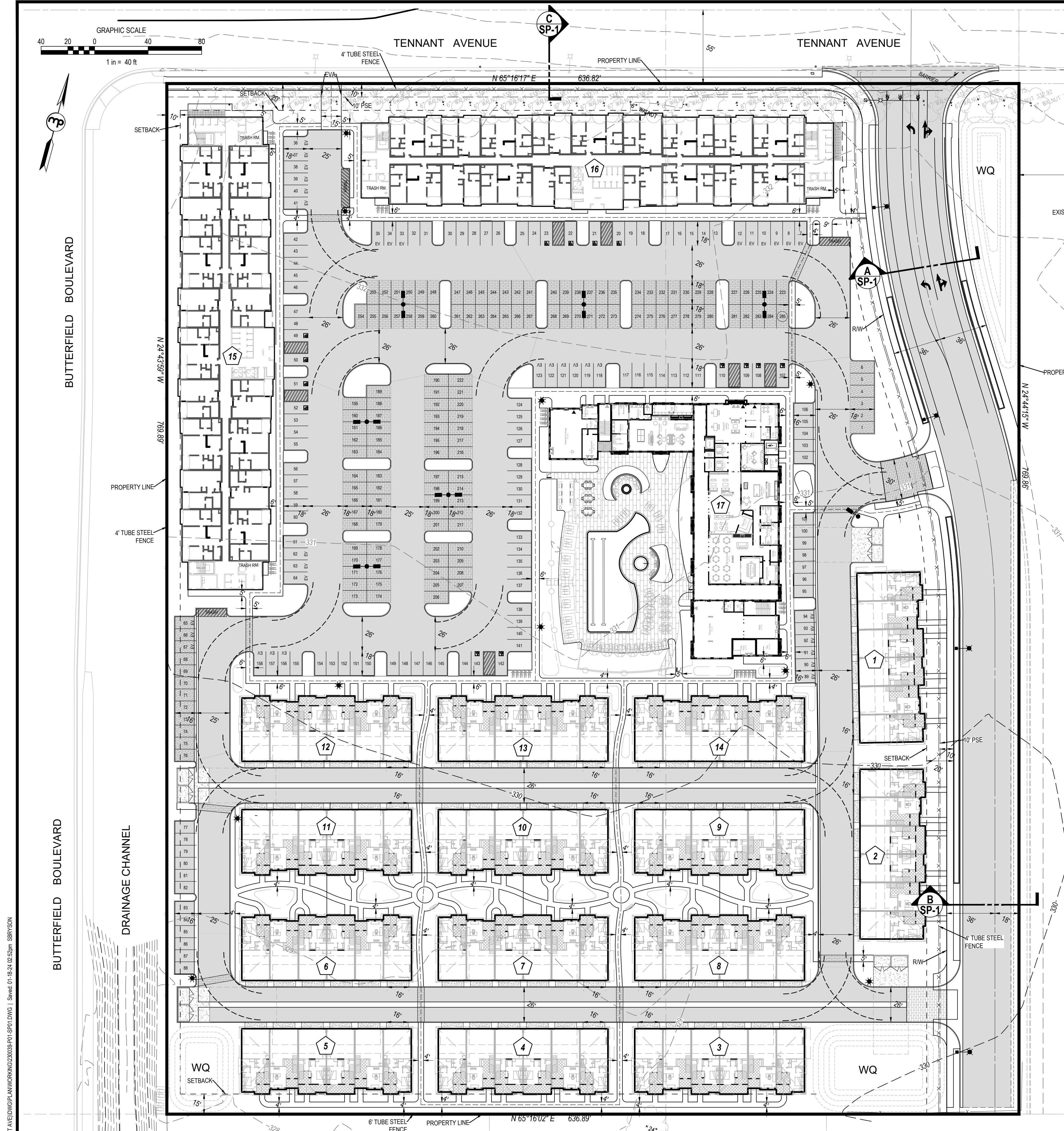
The City of Morgan Hill must conduct environmental analysis before a project is approved. An environmental analysis shall be completed and considered by the appropriate decision-making body prior to granting of any entitlements, including but not limited to a Tentative Map, Design Review Permit, or a building or grading permit.

VII. MUNICIPAL CODE COMPLIANCE

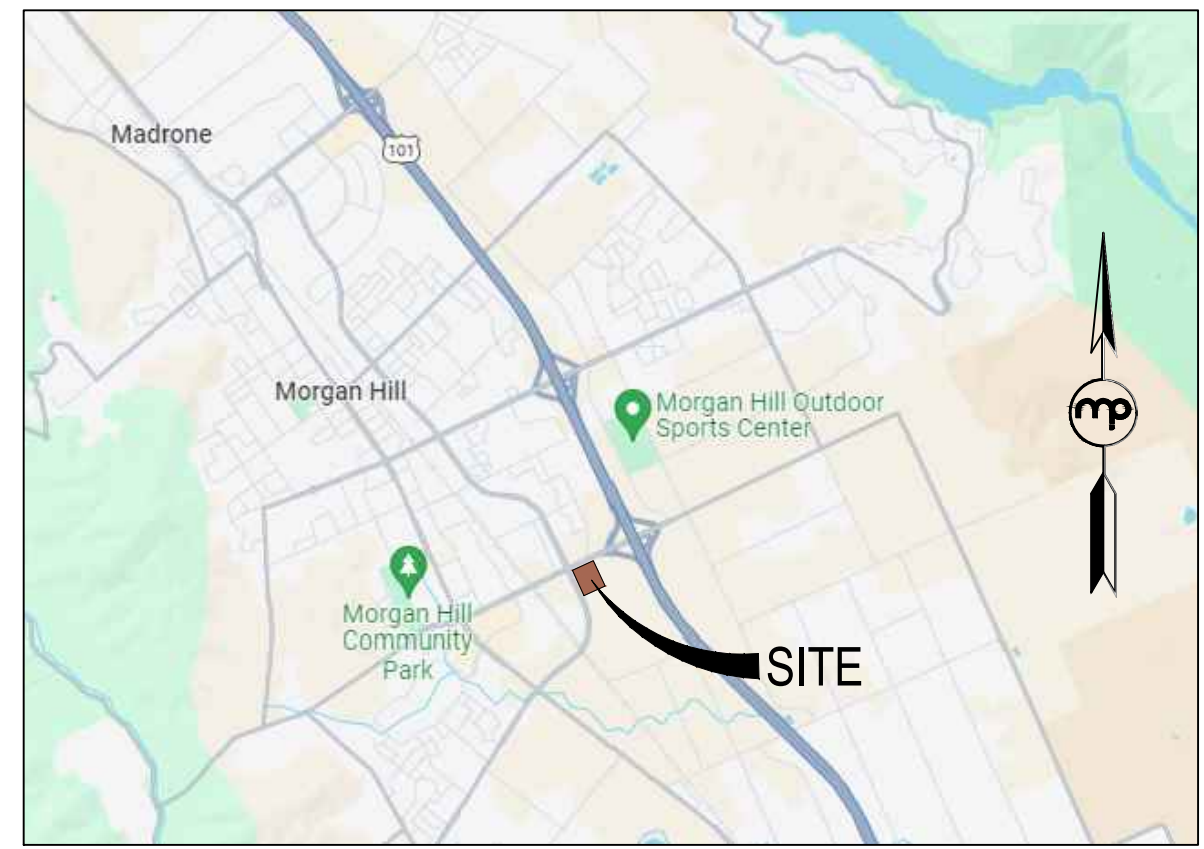
All projects must comply with the City Municipal Code including but not limited to:

- o Morgan Hill Municipal Code Title 15 and the California Building Code
- o Morgan Hill Municipal Code Title 15 and the California Fire Code





TYPICAL LIGHT DETAIL



VICINITY MAP



TURNING RADIUS

TYPICAL PARKING DETAIL

CITY OF MORGAN HILL

APN: 817-08-032

ZONING: CH HIGHWAY COMMERCIAL
PUD PLANNED UNIT DEVELOPMENT
LAND USE: COMMERCIAL/INDUSTRIAL

SETBACKS PROVIDED:

FRONT: 20'
SIDE: 10'
REAR: 15'

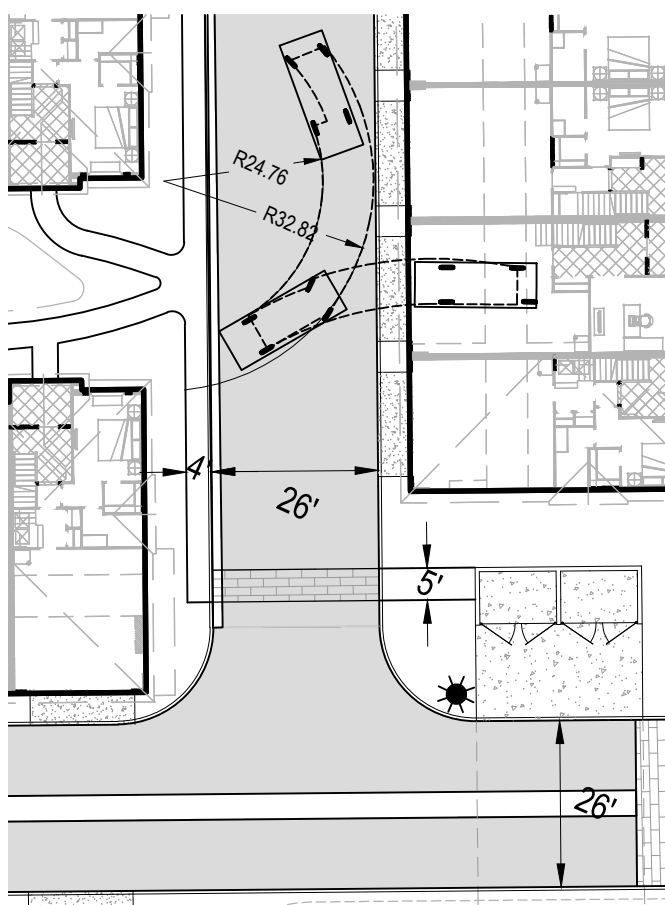
ACREAGE: 11.25 AC NET

DENSITY: 23 DU/AC

FAR: 0.85

COVERAGE: 47.7%

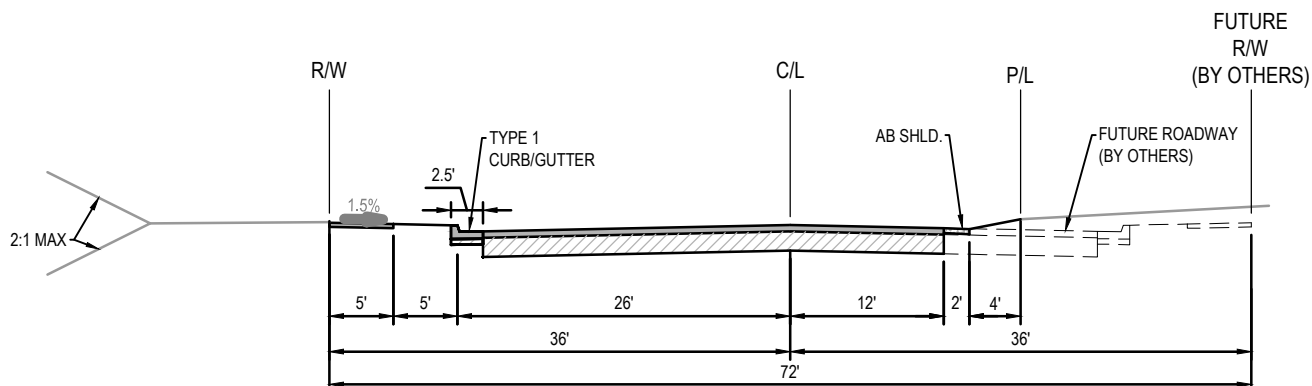
PROJECT INFORMATION



VEHICLE BACK-UP

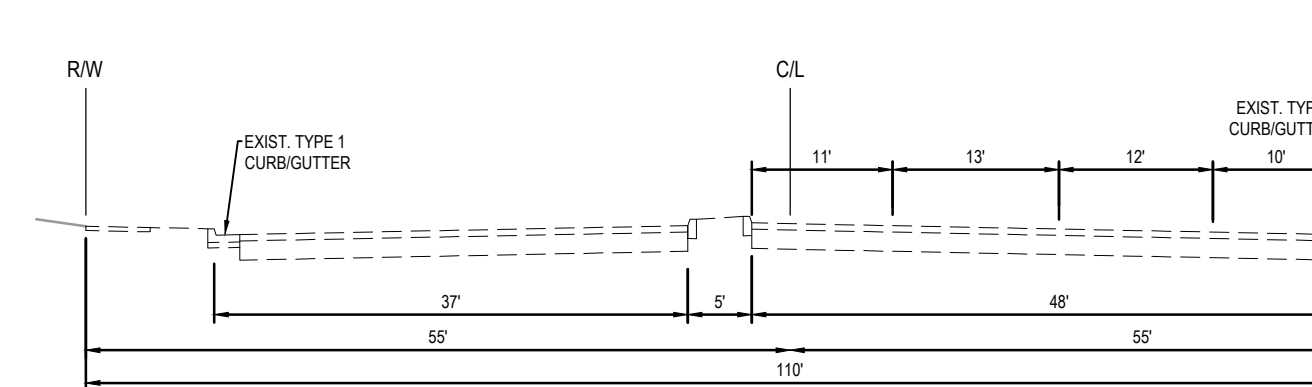
TYPICAL 2 LANE COLLECTOR

JUAN HERNANDEZ DRIVE COLLECTOR REFER TO CITY STD. A-18



3/4 COLLECTOR

JUAN HERNANDEZ DRIVE COLLECTOR (3/4 ROADWAY) REFER TO CITY STD. A-18



4 LANE DIVIDED ARTERIAL

TENNANT AVENUE ARTERIAL ROADWAY REFER TO CITY STD. A-18



STREET SECTIONS

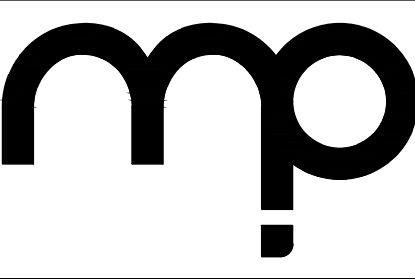
No.		PROJECT LEGEND									
BUILDING NUMBER	RESIDENTIAL FLOOR AREA (SF)	GARAGE (SF)	CLUBHOUSE COMMON AREA (SF)	TOTAL BLDG AREA (SF)	NO. BLDG.	TOTAL BLDG AREA (SF)	BLDG. HEIGHT (FT)				
1-14	11,200	2,904		14,104	14	197,456	36'-6"				
15-16	81,121			81,121	2	162,242	57'-8"	34	34		
17	41,700		15,868	57,568	1	57,568	49'-9"	20	19		
						417,266					

PARKING REQUIREMENT

PEDESTRIAN PATH OF TRAVEL

Dwg: X:\2023\23-0039-00-140 TENANT AVENUE\DWG\LANDWORKING\230039-00-SP-1.DWG | Sheet: 01-18-24 10:22am SBR/SDN

SCALE:	BENCH MARK	COMPUTED
HORIZ. 1" = 40'		DESIGNED
VERT. 1" =		DRAWN
		PROJ. ENGR.



MORTON & PITALO, INC.
CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
Folsom • Fresno
600 Coolidge Drive, Suite #140
Folsom, CA 95630
phone: (916) 984-7621
web: www.mpengr.com

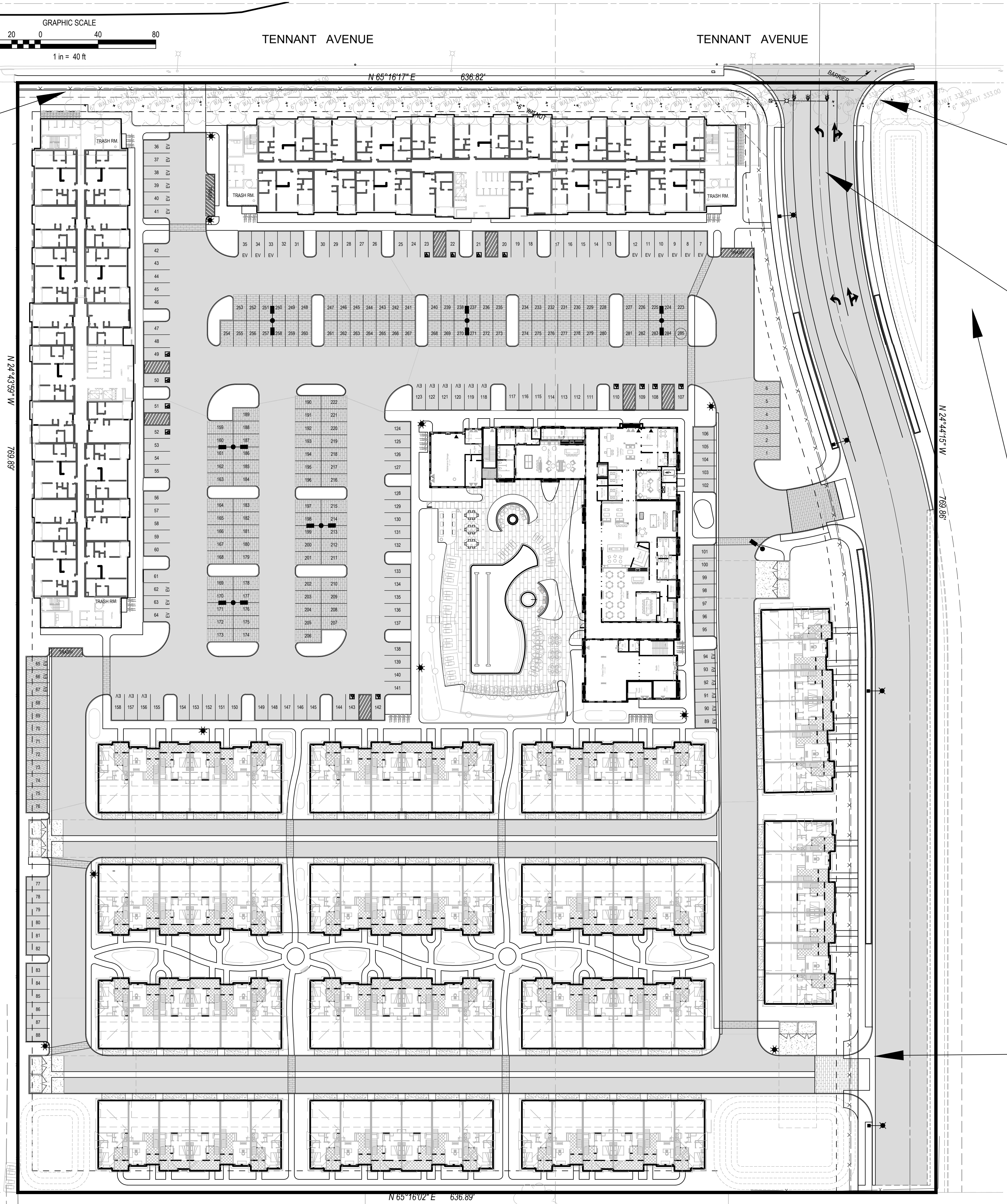
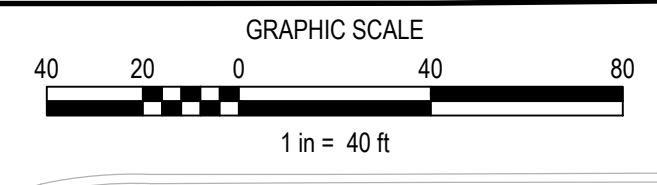
MORGAN HILL
SITE DEVELOPMENT PLAN
MORGAN HILL, CA

DATE	JAN. 17, 2024
SHEET	SP-1
OF	4



BUTTERFIELD BOULEVARD

BUTTERFIELD BOULEVARD



Dwg: X:\2023\23-0039-00-740 TENNANT AVENUE\DWG\LANDWORKING\230039-00 SITE PHOTO EXHIBIT.DWG | Saved: 01/23/24 11:05am | SRRVSON

SCALE:	BENCH MARK
HORIZ. 1" = 40'	
VERT. 1" =	

COMPUTED
DESIGNED
DRAWN
PROJ. ENGR.

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phone: (916) 984-7621
web: www.mpengr.com

MORGAN HILL
SITE IMAGES EXHIBIT
MORGAN HILL, CA

DATE	JAN. 23, 2024
SHEET	1
OF	1

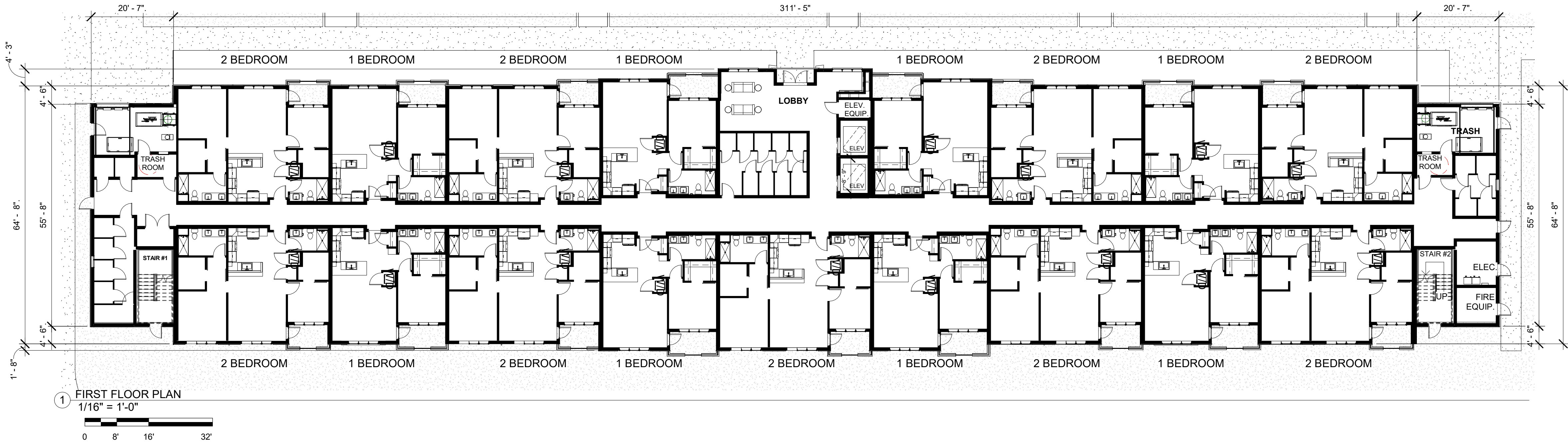
68 UNIT - MID-RISE BUILDING AREAS (SF)						
BUILDING LEVEL	UNCONDITIONED SPACE (GRADE LEVEL PATIOS)	INTERIOR COMMON SPACE	APARTMENTS (R-2)	UTILITY	FLOOR (NET)	FLOOR (GROSS)
1	1160	4653	16381	955	-	23149
2	-	4214	16381	233	-	20828
3	-	4214	16381	233	-	20828
4	-	4080	16381	367	-	20828
5	-	-	-	604	-	604
SUBTOTALS	1160	17161	65524	2392	-	
TOTAL BLDG AREA						86237



③ THIRD FLOOR PLAN
1/16" = 1'-0"



② SECOND PLAN
1/16" = 1'-0"



① FIRST FLOOR PLAN
1/16" = 1'-0"

PROGRESSIVE IMAGES IN
ARCHITECTURE & PLANNING
24665 RANCHO SANTA TERESA
RANOMA, CA. 92065 (619) 994-5848
E-MAIL BWSAIA@HUGHES.NET

760 TENNANT AVENUE
HOUSING PROJECT
MORGAN HILL, CA

1ST, 2ND & 3RD FLOOR
PLANS

CONTENTS		
NO.	REVISIONS	DATE
1		
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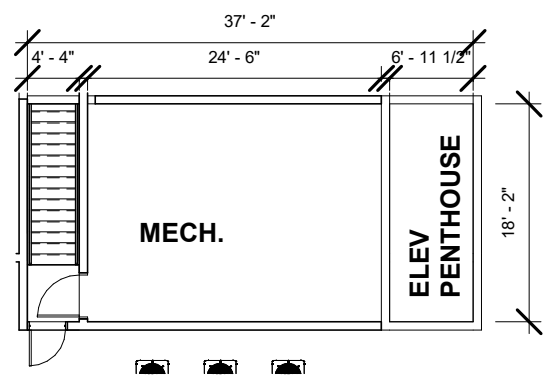
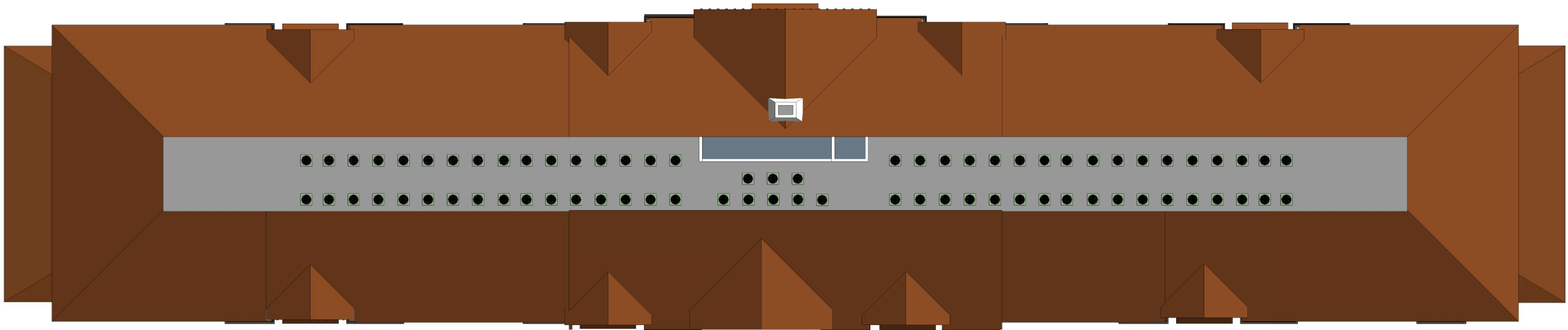
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JOB NO.	
SHEET	
OF	

A1.1



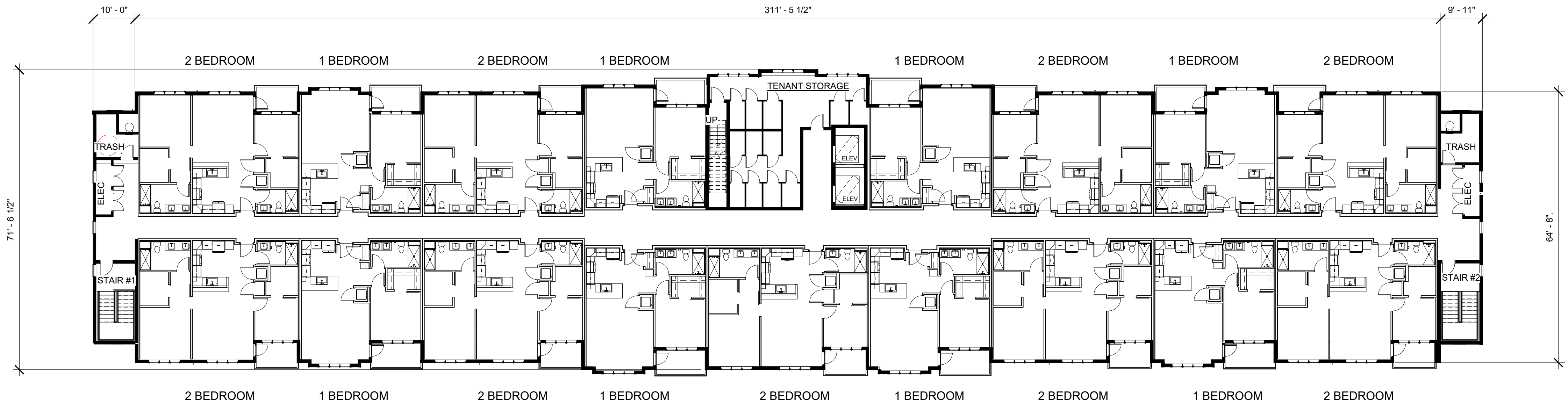
④ NORTH ELEVATION
1/16" = 1'-0"

ROOF LEGEND	
	CONDENSER
	TILED ROOF
	FLAT ROOF



③ LVL 5 MECHANICAL ROOM PLAN
1/16" = 1'-0"

② ROOF PLAN
1/16" = 1'-0"



① FOURTH FLOOR PLAN
1/16" = 1'-0"

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760 TENNANT AVENUE
HOUSING PROJECT
MORGAN HILL, CA

4TH FLOOR & ROOF
PLAN

NO.	REVISIONS	DATE



DATE: 12/01/23

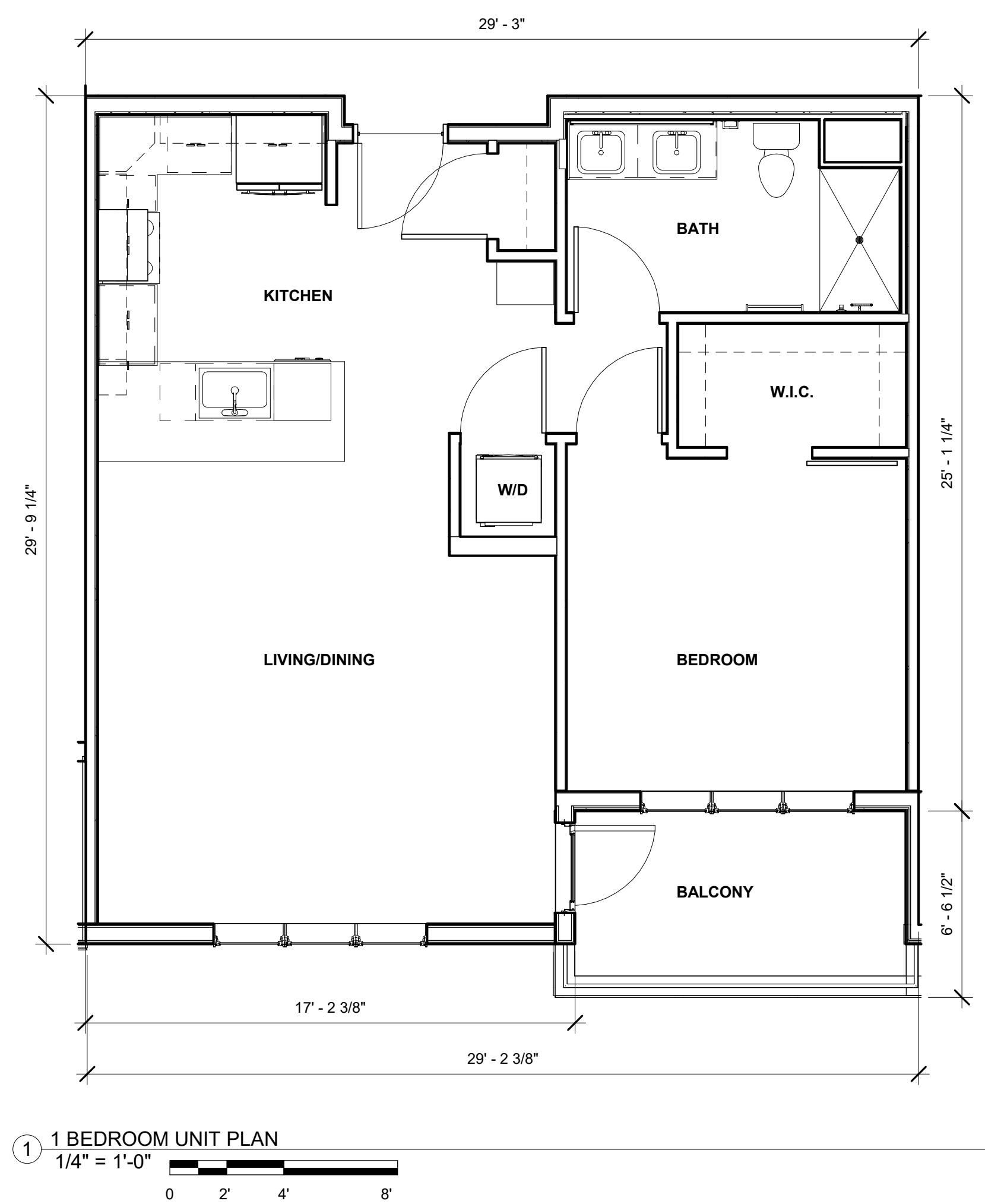
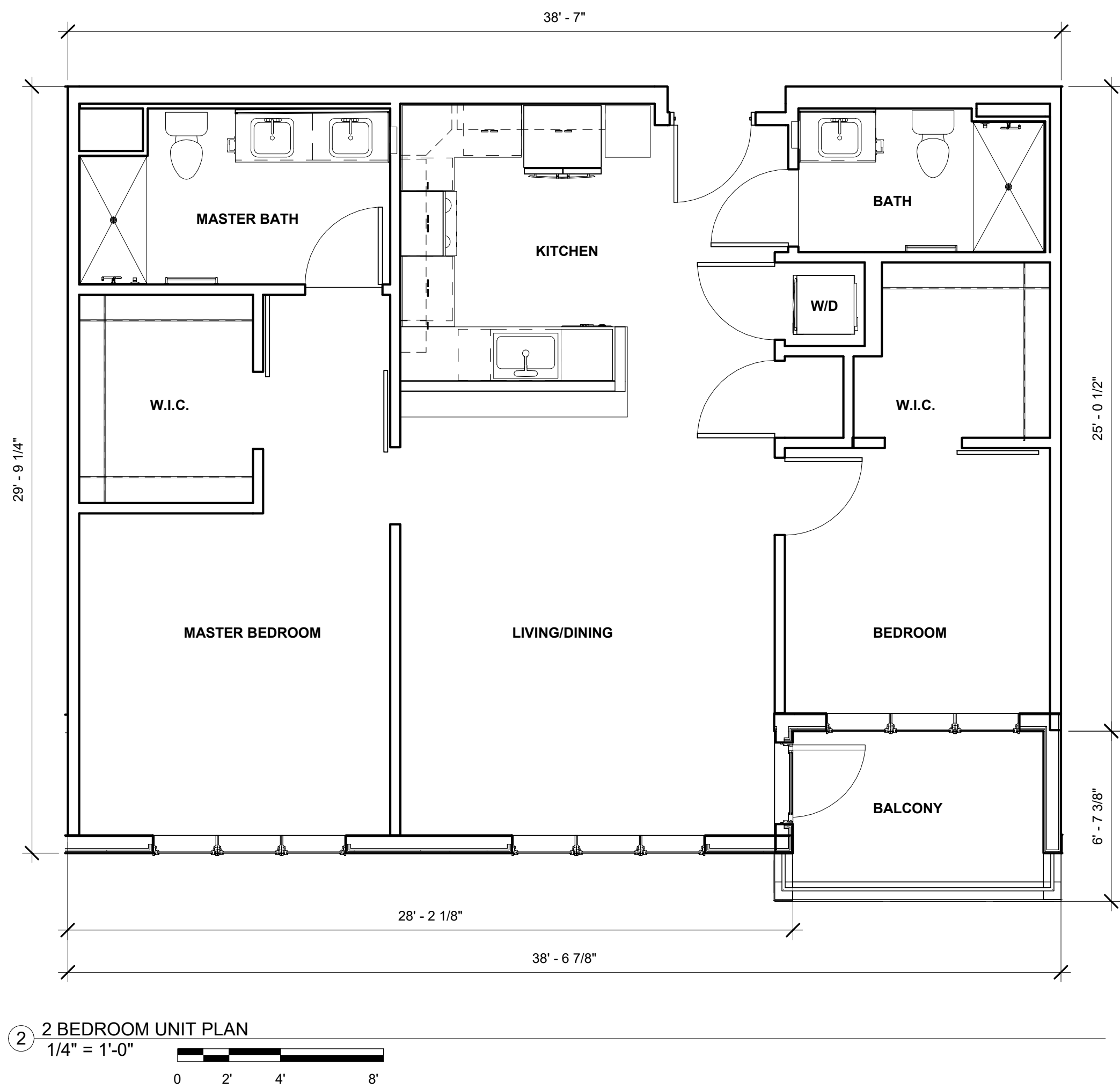
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JOB NO.

SHEET

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OF



PROGRESSIVE IMAGES IN
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760 TENNANT AVENUE
HOUSING PROJECT
MORGAN HILL, CA

UNIT PLANS

CONTENTS
NO. REVISIONS DATE

DATE: 12/01/23

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JOB NO.

SHEET

A1.3

OF



5 3D VIEW



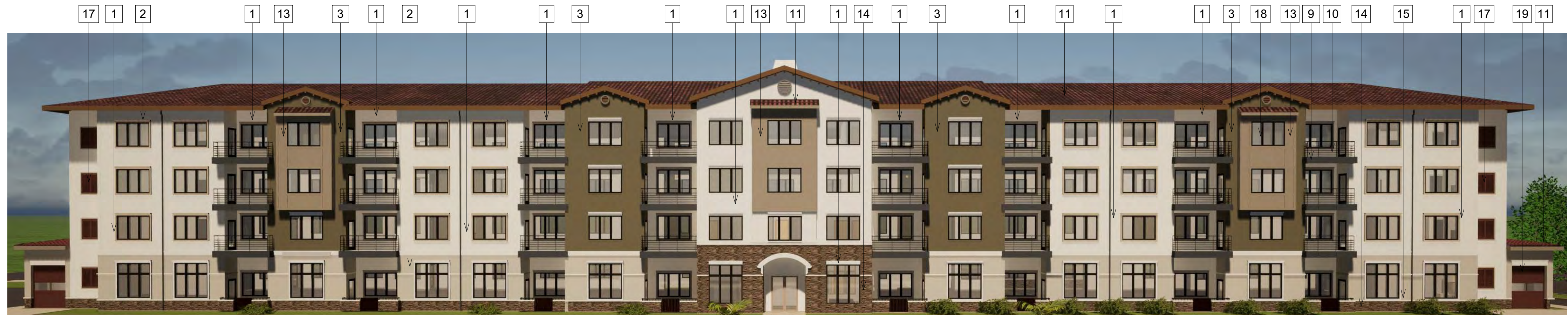
4 WEST



3 EAST



2 SOUTH



1 NORTH

PRIMARY STUCCO BODY	SECONDARY STUCCO BODY	FASCIA/EAVE / GARAGE DOOR	TRIM	ACCENT/ SIDING/ SHUTTERS	DECORATIVE METAL	ROOF	BUILDING MATERIAL BRICK STANDARD	STONE ENHANCED	STUCCO FINISH
SHERWIN WILLIAMS SW7757 HIGH REFLECTIVE WHITE	A. SHERWIN WILLIAMS SW 7024 SHOJI WHITE B. SHERWIN WILLIAMS SW 2851 SAGE GREEN LIGHT	A. SHERWIN WILLIAMS SW 7555 SCHMIDTLEIN B. SHERWIN WILLIAMS SW 6146 UMBER	A. SHERWIN WILLIAMS SW 7024 SHOJI WHITE B. SHERWIN WILLIAMS SW 7757 HIGH REFLECTIVE WHITE	A. SHERWIN WILLIAMS SW 2851 ROCKWOOD DARK RED B. JAMES HARDIE SIDING MONTEREY TAUPE	SHERWIN WILLIAMS SW 7675 SEAL SKIN	SCG 8829 SANTA FE BLEND	WIRECUT BRICK SPECTRUM	TUSCAN VILLA PRAIRIE MOSS	FINE SAND

MATERIAL / COLOR LEGEND

1 20/30 STUCCO HIGH REFLECTIVE WHITE SW 7757	7 STUCCO FOAM TRIM DEEPEST MAUVE SW 0005	13 SIDING HARDIE - MONTEREY TAUPE	19 GARAGE DOORS SOMELLIER SW 7595
2 20/30 STUCCO SHOJI WHITE SW 7024	8 FOAM CORBELS/ WOOD BEAM UMBER SW 6146	14 STONE TUSCAN VILLA PRAIRIE MOSS	20 GARAGE DOORS ROCKWOOD DARK RED SW 2801
3 20/30 STUCCO SAGE GREEN LIGHT SW 2851	9 BALCONY SW 7675 SEAL SKIN	15 STONE CAP	
4 20/30 STUCCO HAMMERED SILVER SW 2840	10 ROD IRON METAL RAILING SEAL SKIN SW 7675	16 WIRECUT BRICK SPECTRUM	
5 20/30 STUCCO DEEPEST MAUVE SW 0005	11 SPANISH ROOF TILE CAPISTRAND 8829 SANTA FE BLEND	17 WINDOW LOUVRE SW 2801 ROCKWOOD DARK RED/ SW 7675 SEAL SKIN	
6 STUCCO FOAM TRIM HIGH REFLECTIVE WHITE SW 7757	12 SPANISH ROOF TILE CAPISTRAND 3606 VALLEJO RANGE	18 VINYL WINDOWS DARK BRONZE COLOR PER MANUFACTURER'S SPEC.	

PROGRESSIVE IMAGES IN
ARCHITECTURE & PLANNING
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760 TENNANT AVENUE
HOUSING PROJECT
MORGAN HILL, CA

MID-RISE BUILDING
ELEVATIONS

CONTENTS

NO.	REVISIONS	DATE
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LICENCED ARCHITECT
W. STEINGRABER
CO 12853
REV. 3-31-20
STATE OF CALIFORNIA

DATE: 12/01/23

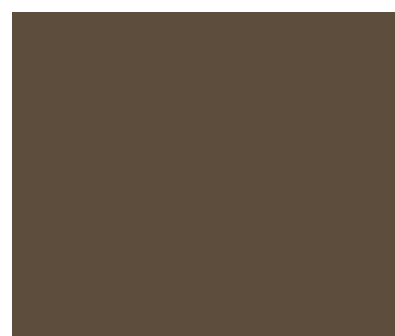
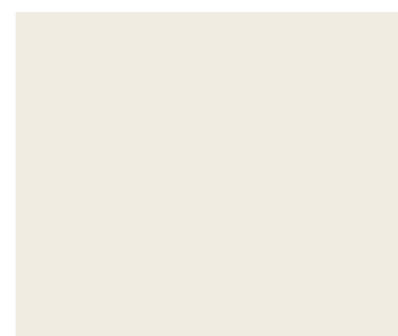
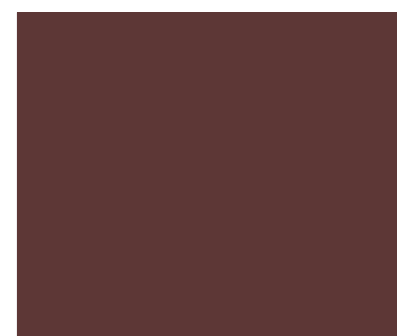
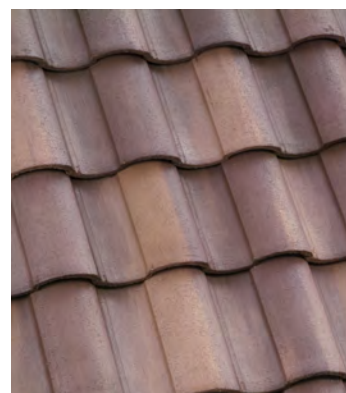
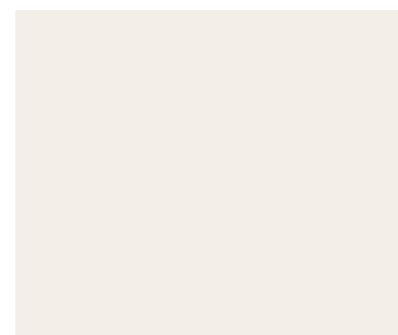
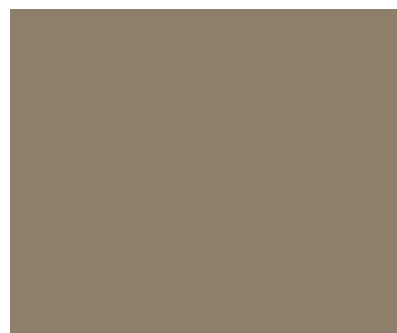
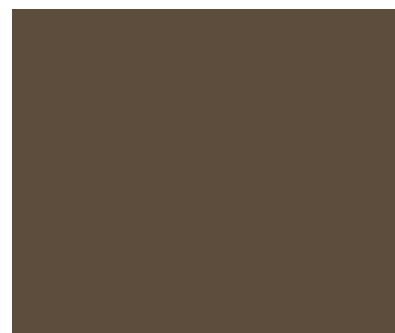
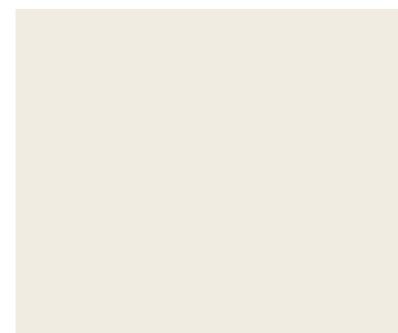
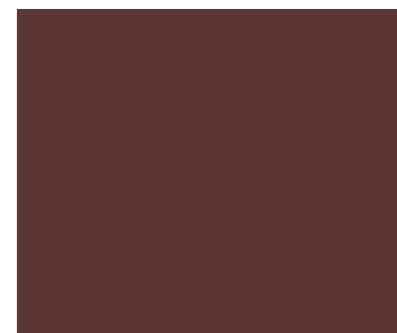
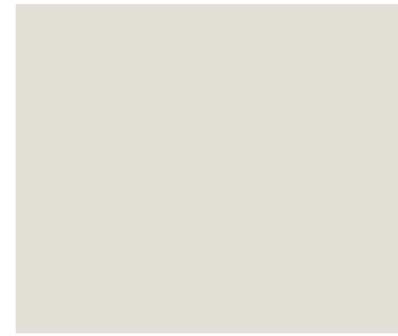
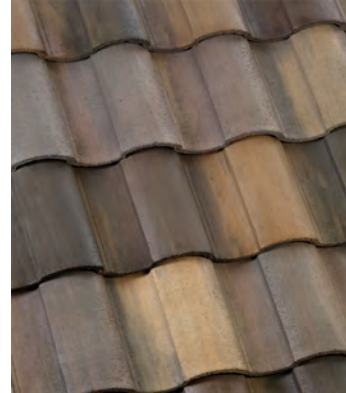
DRAWN:

JOB NO.

SHEET

A2.1

OF

	primary Structure Body	secondary Structure Body	facade / eave / garage door	Trim	entry door / accent	decorative metal	building material roof (CAPISTRANO STYLE) / brick (STANDARD) / stone (ENHANCED)		
<u>Scheme 1</u> Clubhouse and pool building	 SW 7537 IRISH CREAM	 SW 6151 QUIVER TAN	 SW 7034 STATUS BRONZE	 SW 7551 GREEK VILLA	 SW 7595 SOMMELIER	 SW 6994 GREENBLACK	 3684 sandstone blend	 CANYON COBBLE	 Tuscan villa (PRAIRIE MOSS)
<u>Scheme 2</u> Townhomes light scheme	 sw 7517 China Doll	 sw 7502 dry dock	 sw 6167 garden gate	 sw 7100 arCADE white	 sw 0005 deepest blue	 sw 6994 greenblack	 3646 sunset blend	 wire cut brick (OLD CHICAGO)	 Italian villa (ASPEN)
<u>SCHEME 3</u> Townhomes DARK SCHEME	 SW 7537 IRISH CREAM	 SW 6151 QUIVER TAN	 SW 7034 STATUS BRONZE	 SW 7551 GREEK VILLA	 SW 7595 SOMMELIER	 SW 6994 GREENBLACK	 3606 valley orange	 wire cut brick (COUNTRY)	 Tuscan villa (PRAIRIE MOSS)
<u>Scheme 4</u> Townhomes medium scheme	 sw 6171 Charleston	 sw 2851 sage green light	 sw 6146 umber	 sw 7049 nuan Ce	 sw 9141 waterfall	 sw 6994 greenblack	 sCC 8829 sandstone blend	 weathered brick (SAVANNAH)	 COuntry rubble (COASTAL BROWN)

** Stone and brick selection is tentative. A similar stone may be used based on availability.



BUILDING TYPE A - 6-PLEX
TOWNHOUSE - 2-, 3- AND 4-BED
FRONT ELEVATION
COLOR SCHEME 3



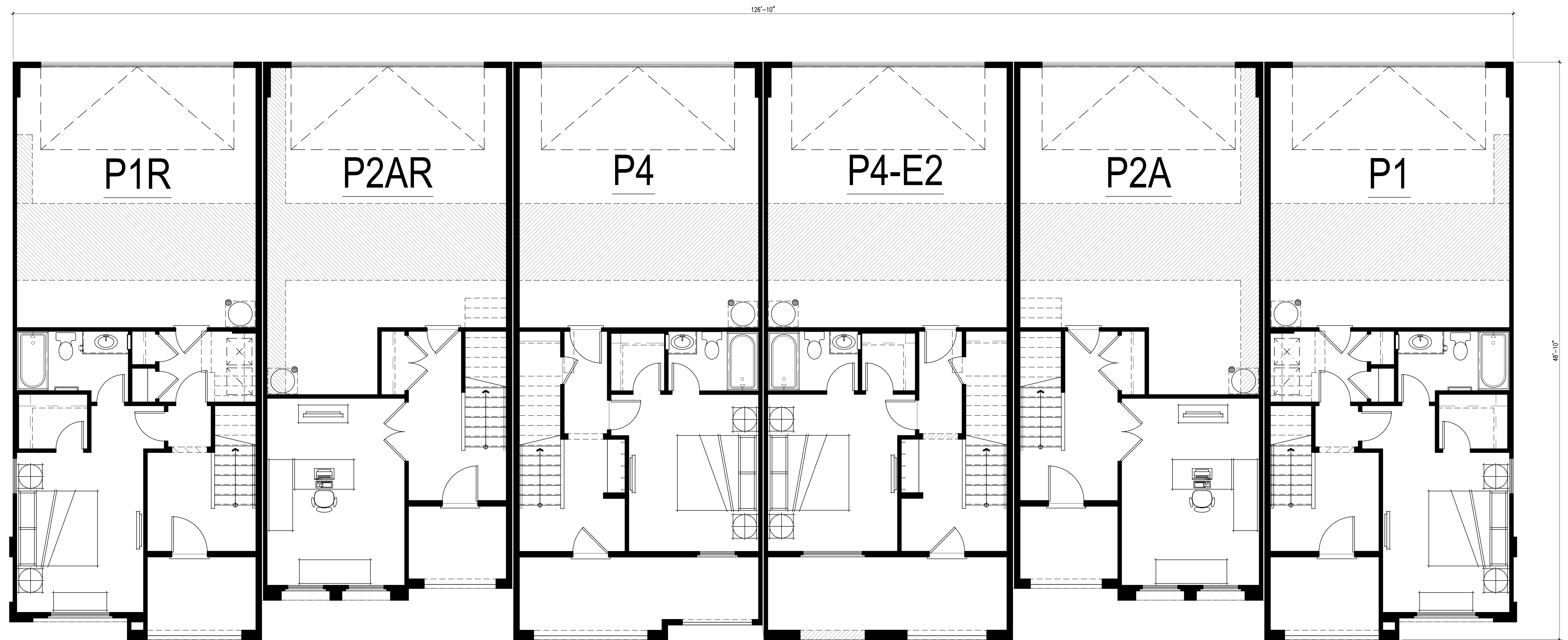
BUILDING TYPE A - 6-PLEX
TOWNHOUSE - 2-, 3- AND 4-BED
REAR ELEVATION



BUILDING TYPE A - 6-PLEX
TOWNHOUSE - 2-, 3- AND 4-BED
LEFT ELEVATION



BUILDING TYPE A - 6-PLEX
TOWNHOUSE - 2-, 3- AND 4-BED
RIGHT ELEVATION



BUILDING TYPE A - 6-PLEX
TOWNHOUSE - 2-, 3- AND 4-BED
FIRST FLOOR PLAN
5,995 S.F.
TOTAL: 15,293 S.F.

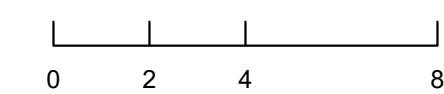


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888.456.5849
ktgy.com

The Canel Companies
1949 St. John's Ave. Suite 200
Highland Park, IL 60035

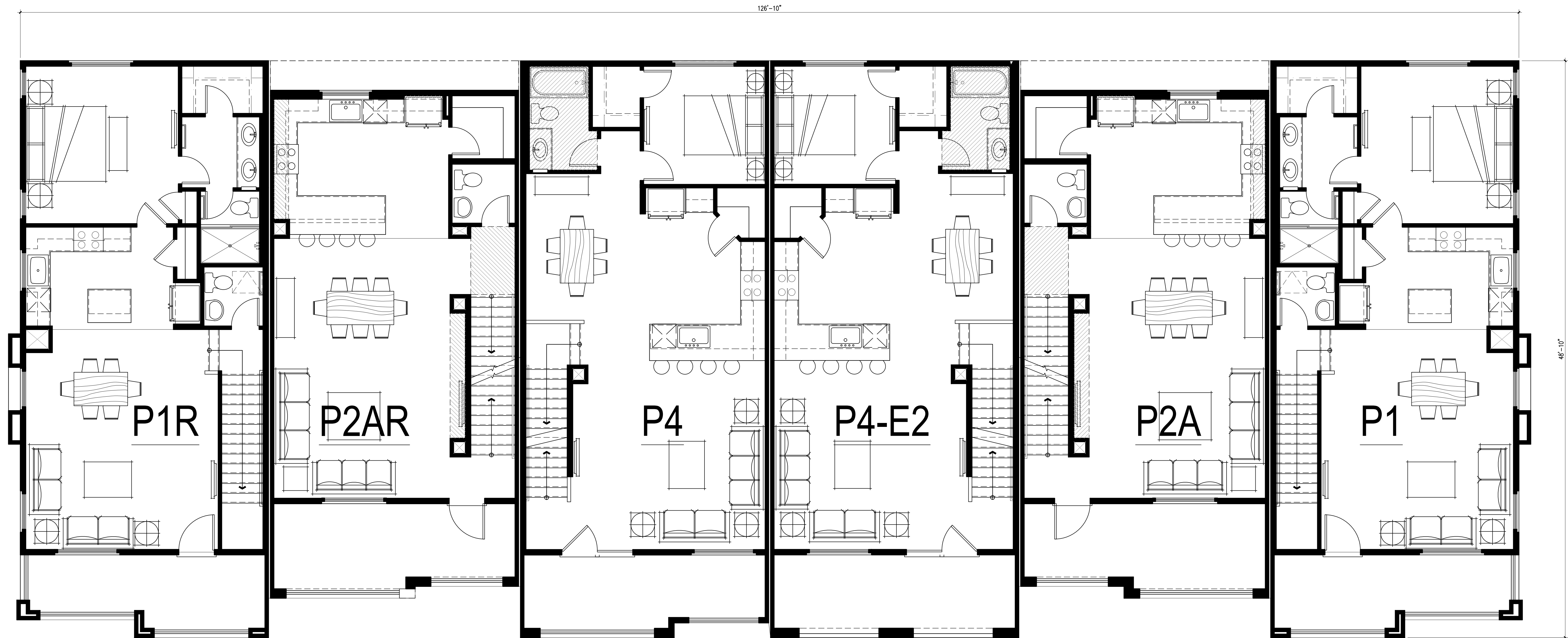
MORGAN HILL - ALTERNATIVE 7C
MORGAN HILL, CA # 2023-595

DESIGN
JANUARY 11, 2024

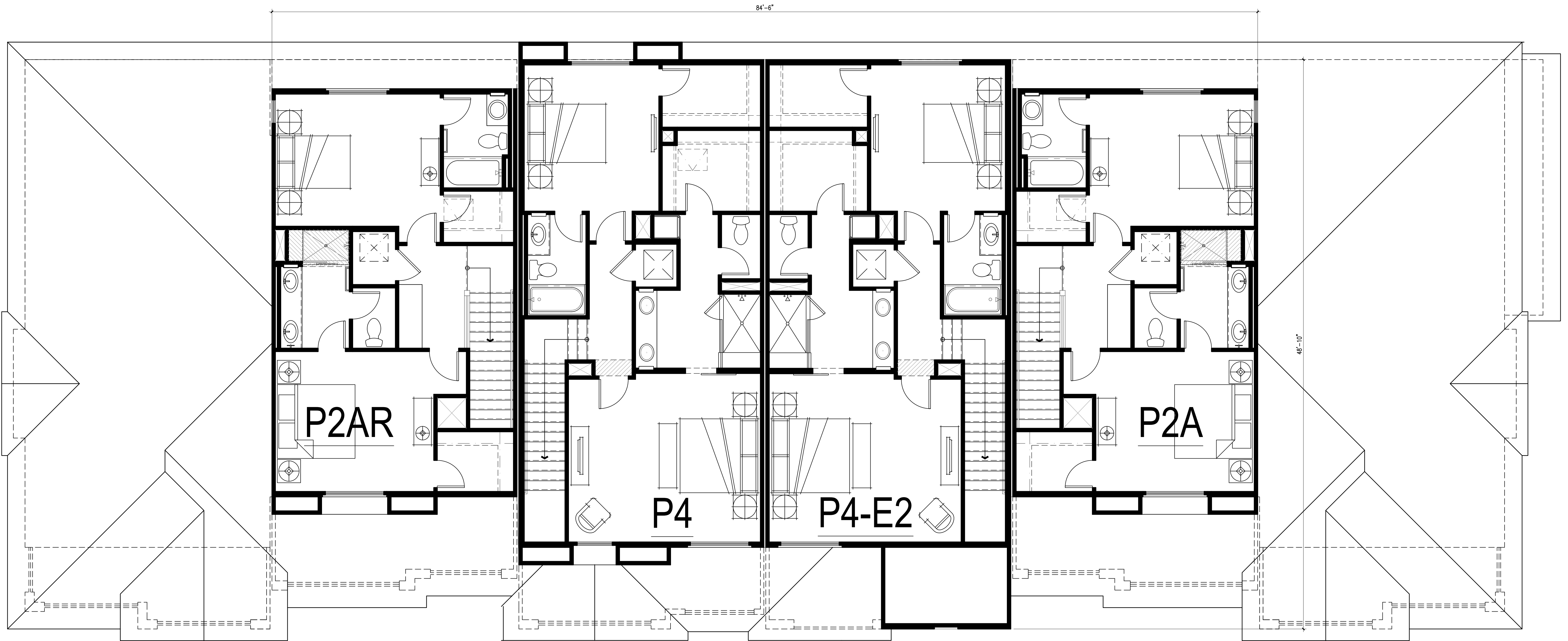


COMPOSITE PLAN

A1-3



BUILDING TYPE A - 6-PLEX
TOWNHOUSE - 2-, 3- AND 4-BED
SECOND FLOOR PLAN
5,890 S.F.
TOTAL: 15,293 S.F.



BUILDING TYPE A - 6-PLEX
TOWNHOUSE - 2-, 3- AND 4-BED
THIRD FLOOR PLAN
3,408 S.F.
TOTAL: 15,293 S.F.

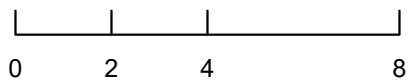


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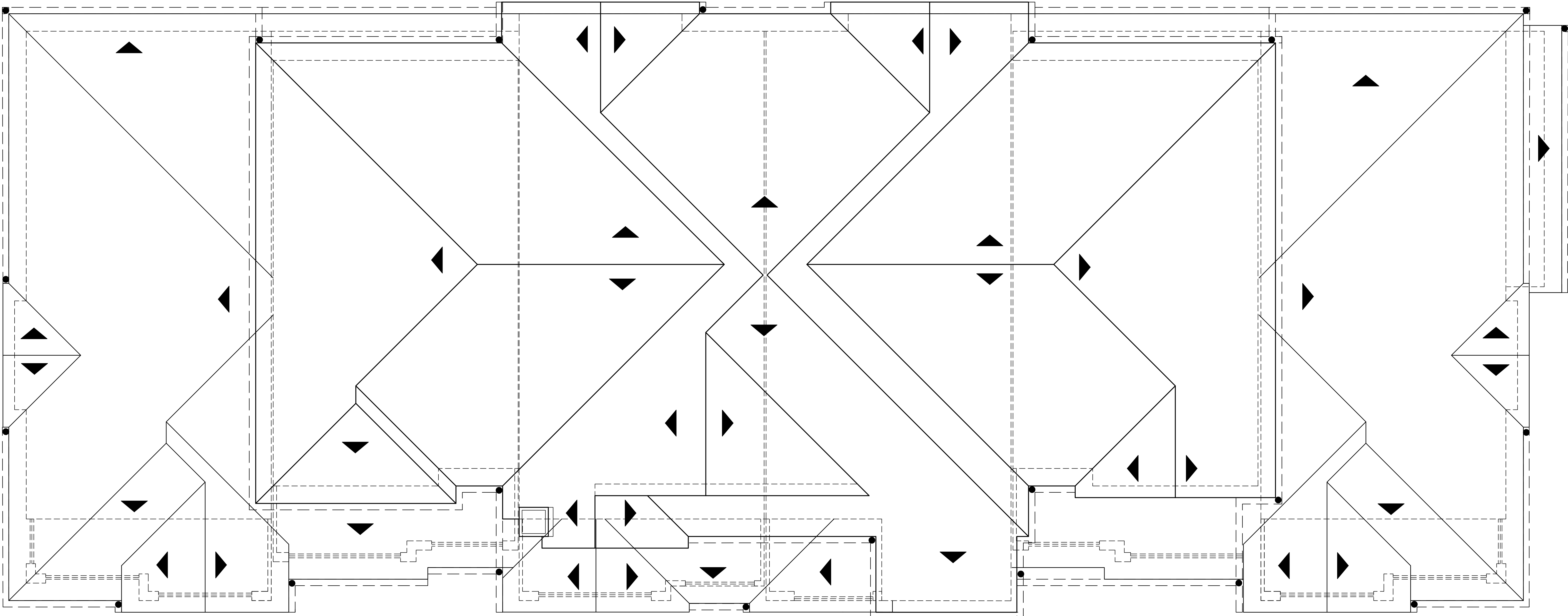
MORGAN HILL - ALTERNATIVE 7C
MORGAN HILL, CA # 2023-595

DESIGN
JANUARY 11, 2024



COMPOSITE PLAN

A1-5



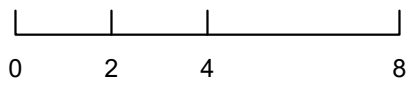
BUILDING TYPE A - 6-PLEX
TOWNHOUSE - 2-, 3- AND 4-BED
ROOF PLAN

SLOPE ROOF 4:12

RAIN GUTTERS

RAIN GUTTER OPENING - SPILL TO BELOW

RAIN GUTTER DOWNSPOUT



ROOF PLAN

A1-6



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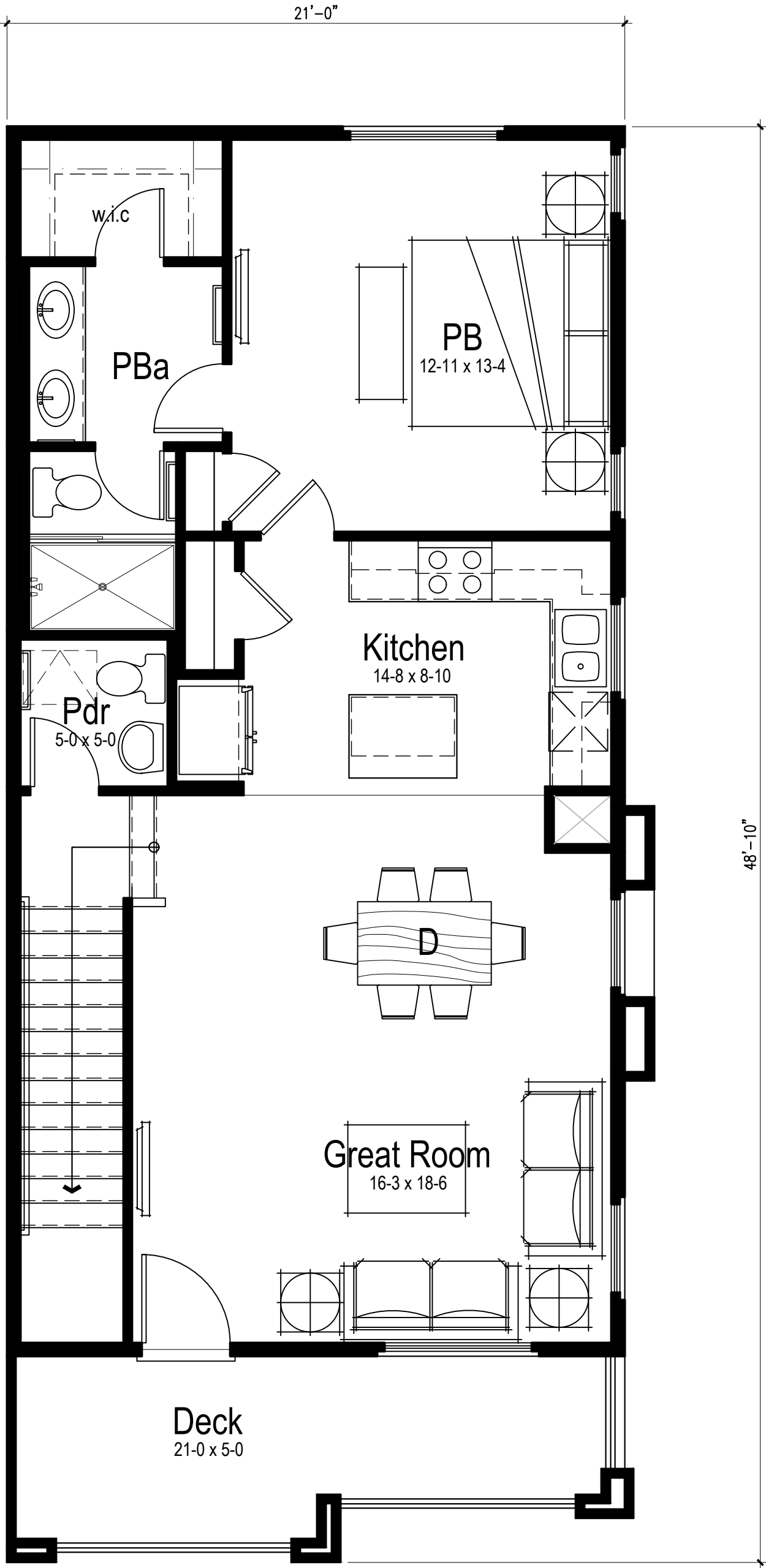
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MORGAN HILL - ALTERNATIVE 7C
MORGAN HILL, CA # 2023-595

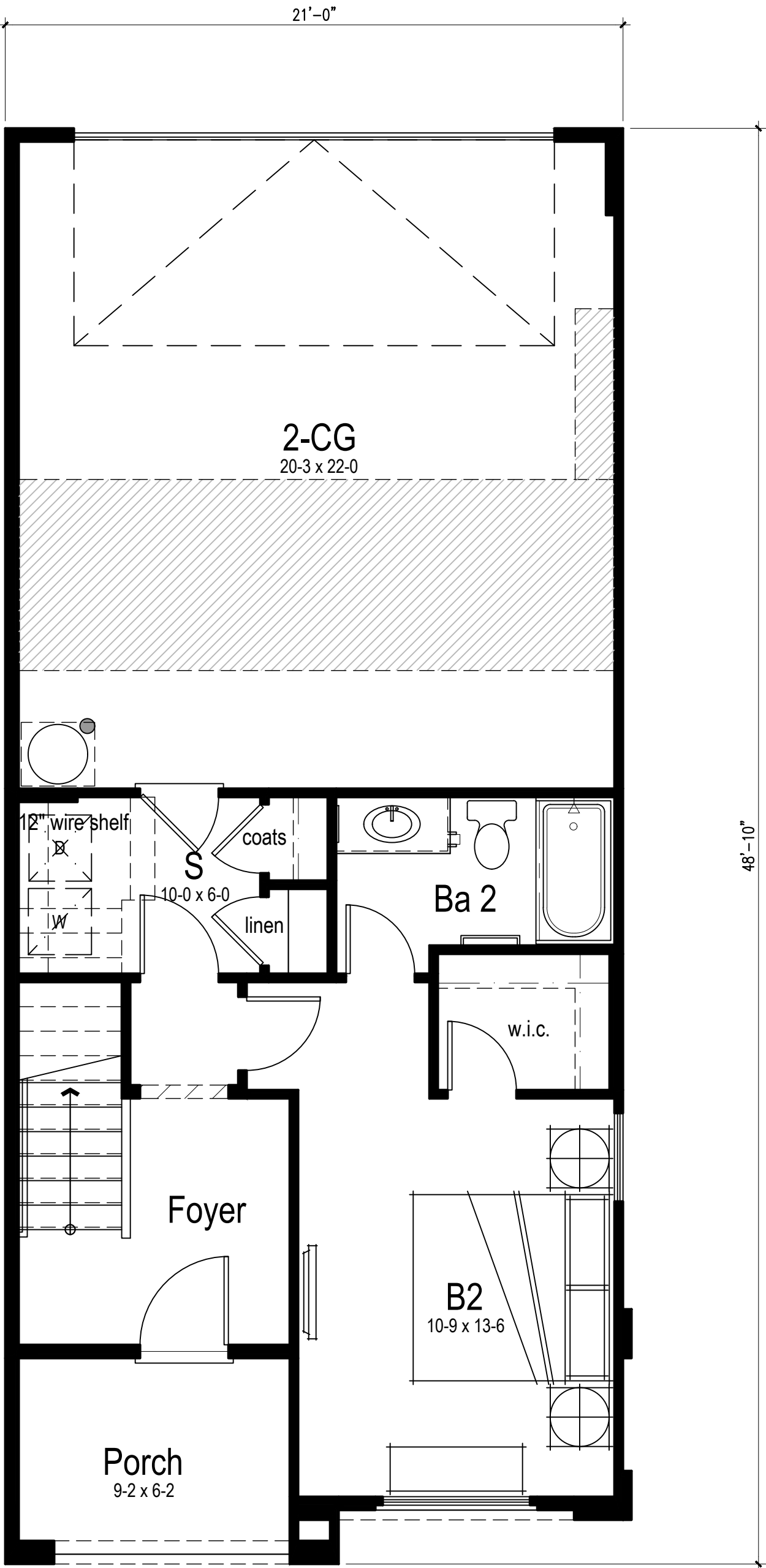
DESIGN
JANUARY 11, 2024

PLAN 1

(IN GROSS SQUARE FEET)				
UNIT FLOOR	CONDITIONED R-3	UNCONDITIONED (PORCH/DECK) R-3	UNCONDITIONED (GARAGE/STOR) U	FLOOR TOTAL
FIRST FLOOR	469	68	472	1009
SECOND FLOOR	878	130	0	1008
UNIT TOTAL:	1347	198	472	2017



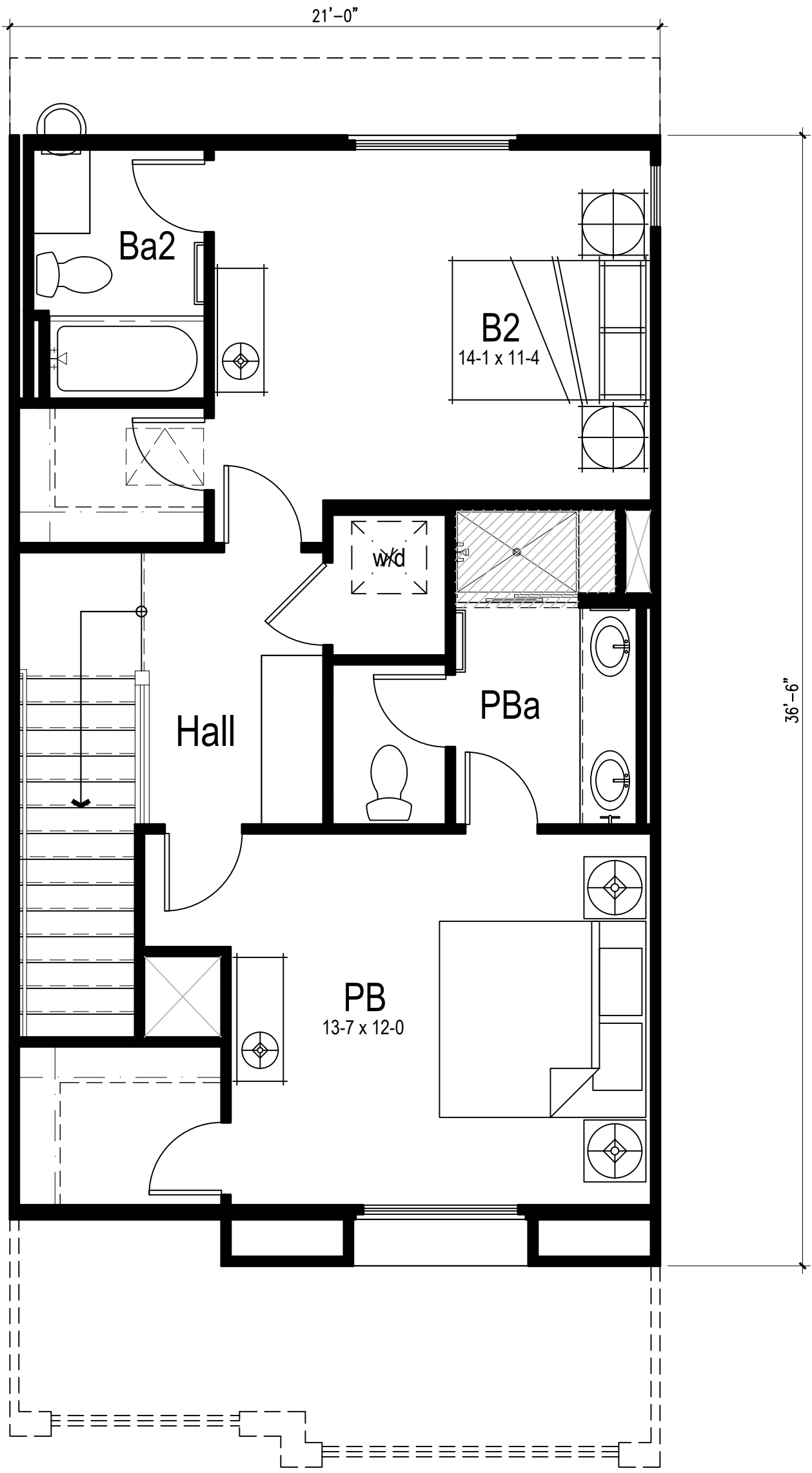
Second Floor Plan 1



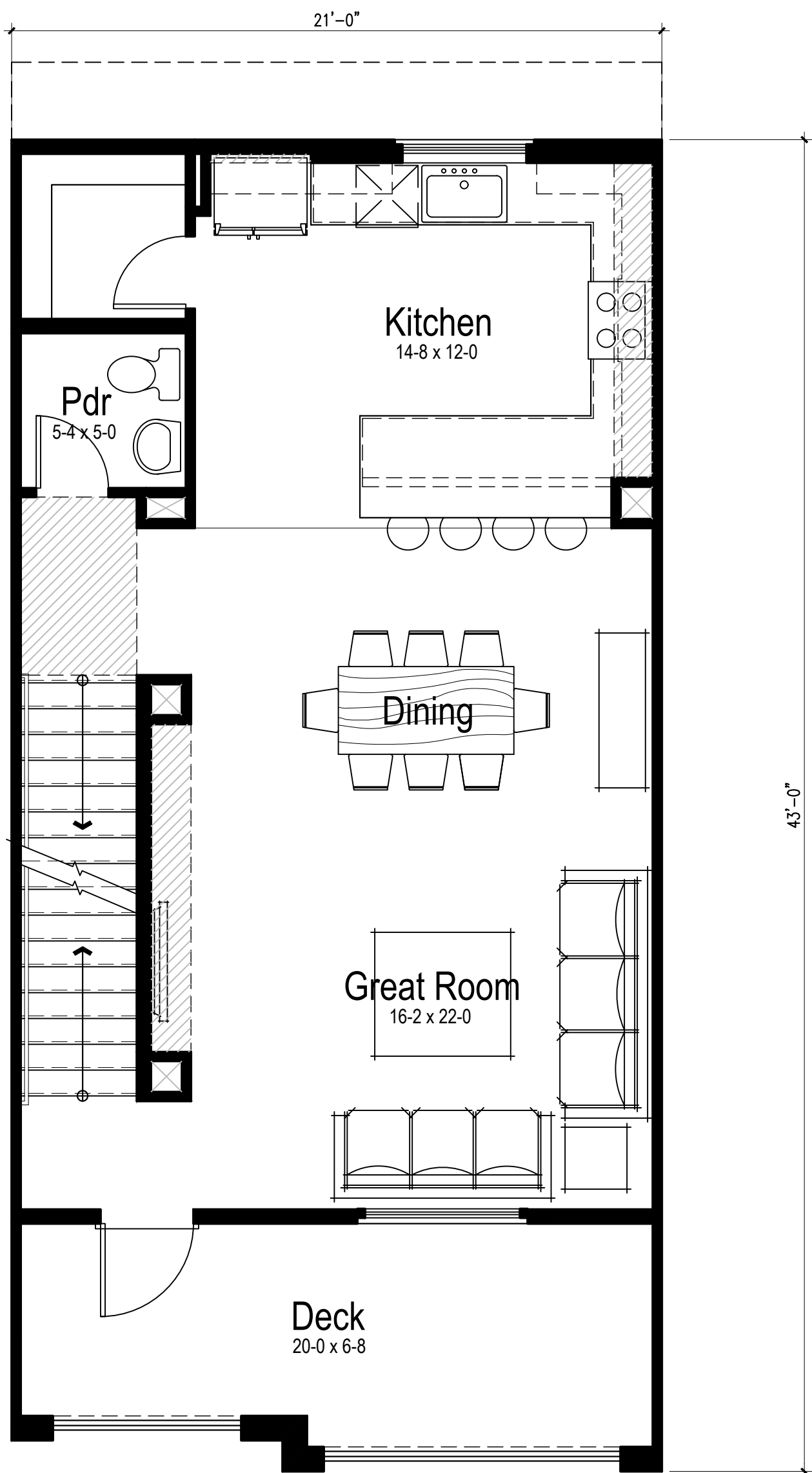
First Floor Plan 1

PLAN 2A

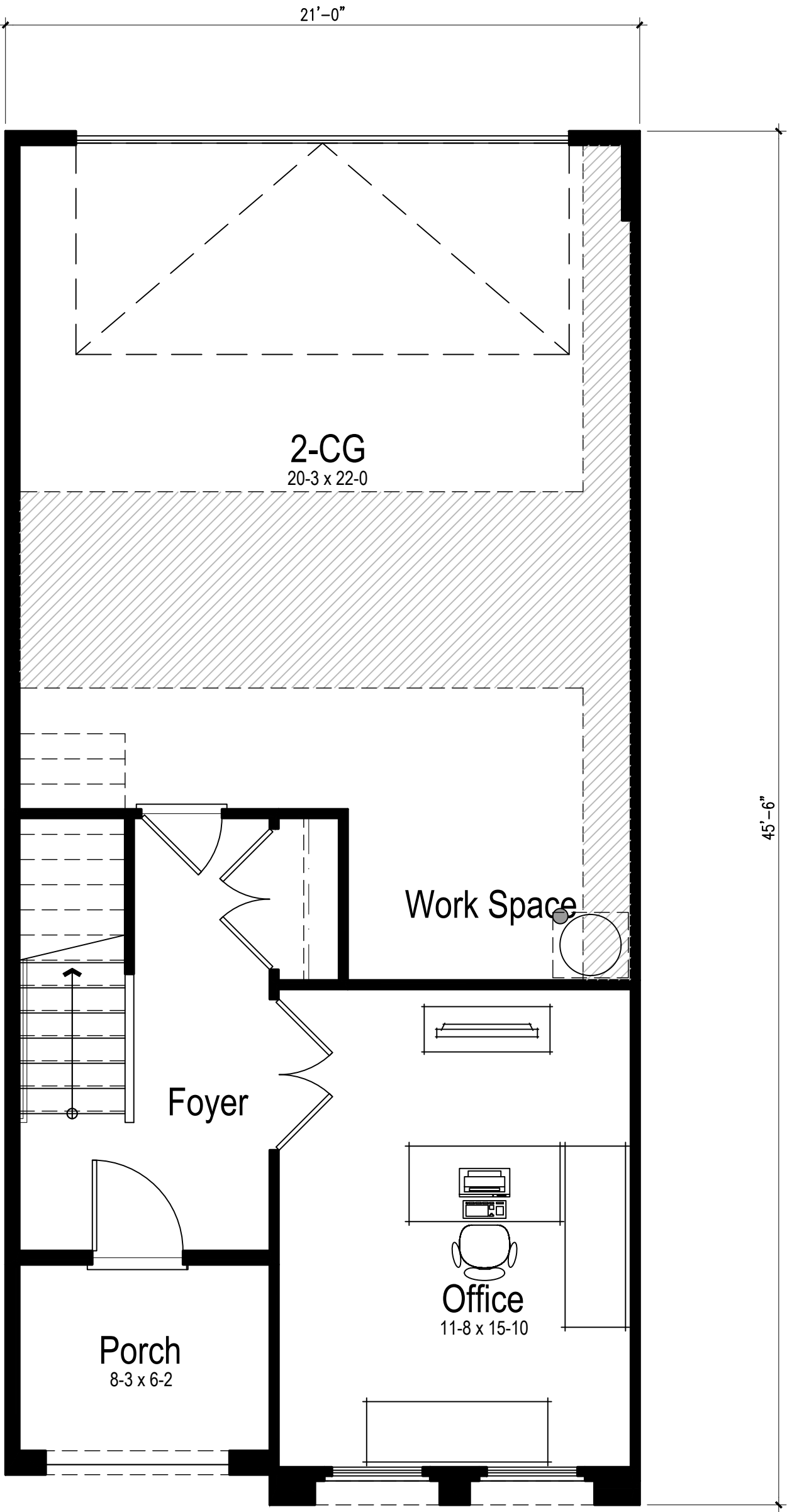
(IN GROSS SQUARE FEET)				
UNIT FLOOR	CONDITIONED R-3	UNCONDITIONED (PORCH/DECK) R-3	UNCONDITIONED (GARAGE/STOR) U	FLOOR TOTAL
FIRST FLOOR	359	61	526	946
SECOND FLOOR	735	159	0	894
THIRD FLOOR	735	0	0	735
UNIT TOTAL:	1829	220	526	2575



Third Floor Plan 2A



Second Floor Plan 2A



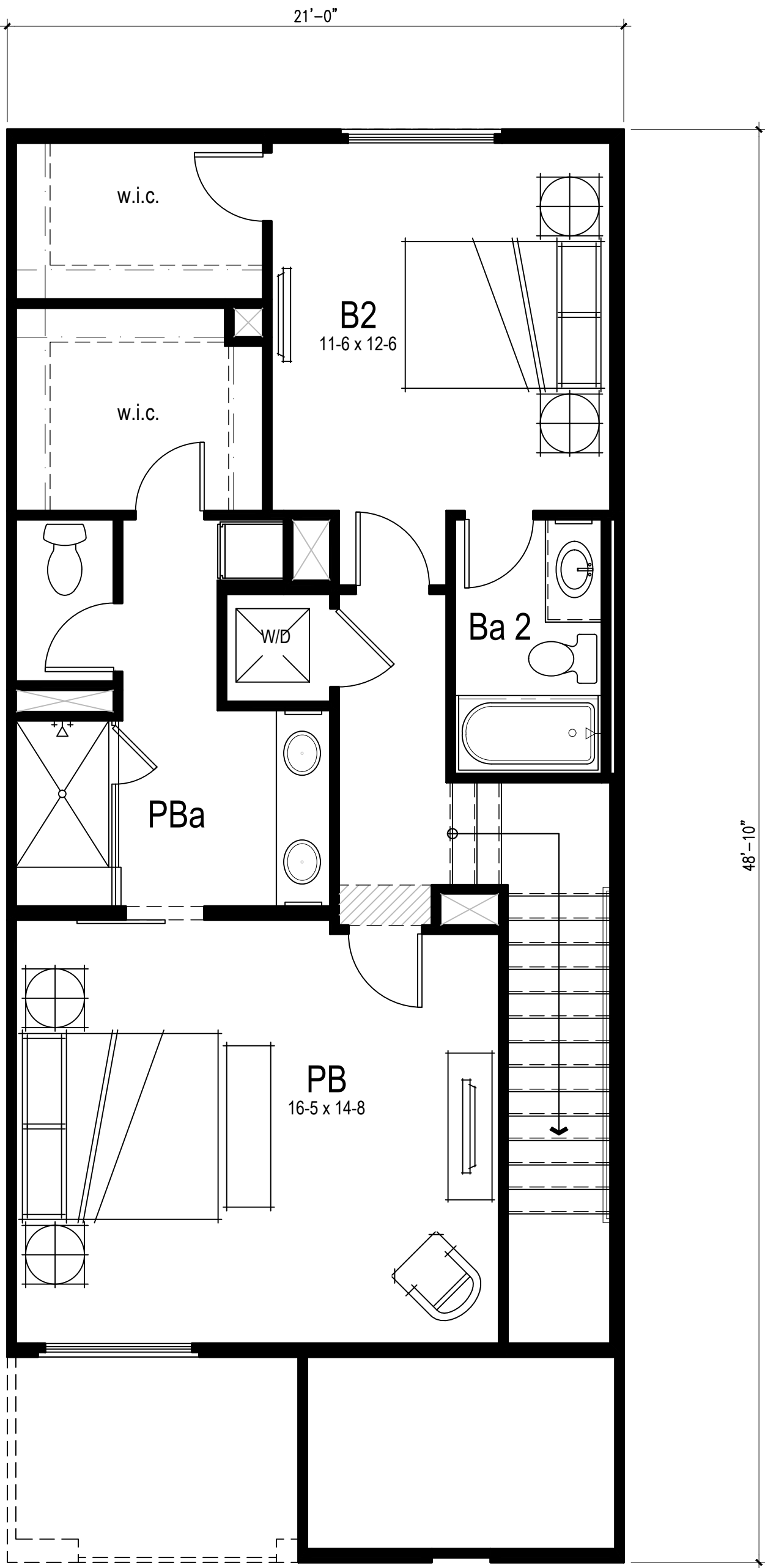
First Floor Plan 2A

(IN GROSS SQUARE FEET)				
UNIT FLOOR	CONDITIONED R-3	UNCONDITIONED (PORCH/DECK) R-3	UNCONDITIONED (GARAGE/STOR) U	FLOOR TOTAL
FIRST FLOOR	407	137	472	1016
SECOND FLOOR	878	137	0	1015
THIRD FLOOR	878	0	0	878
UNIT TOTAL:	2163	274	472	2909

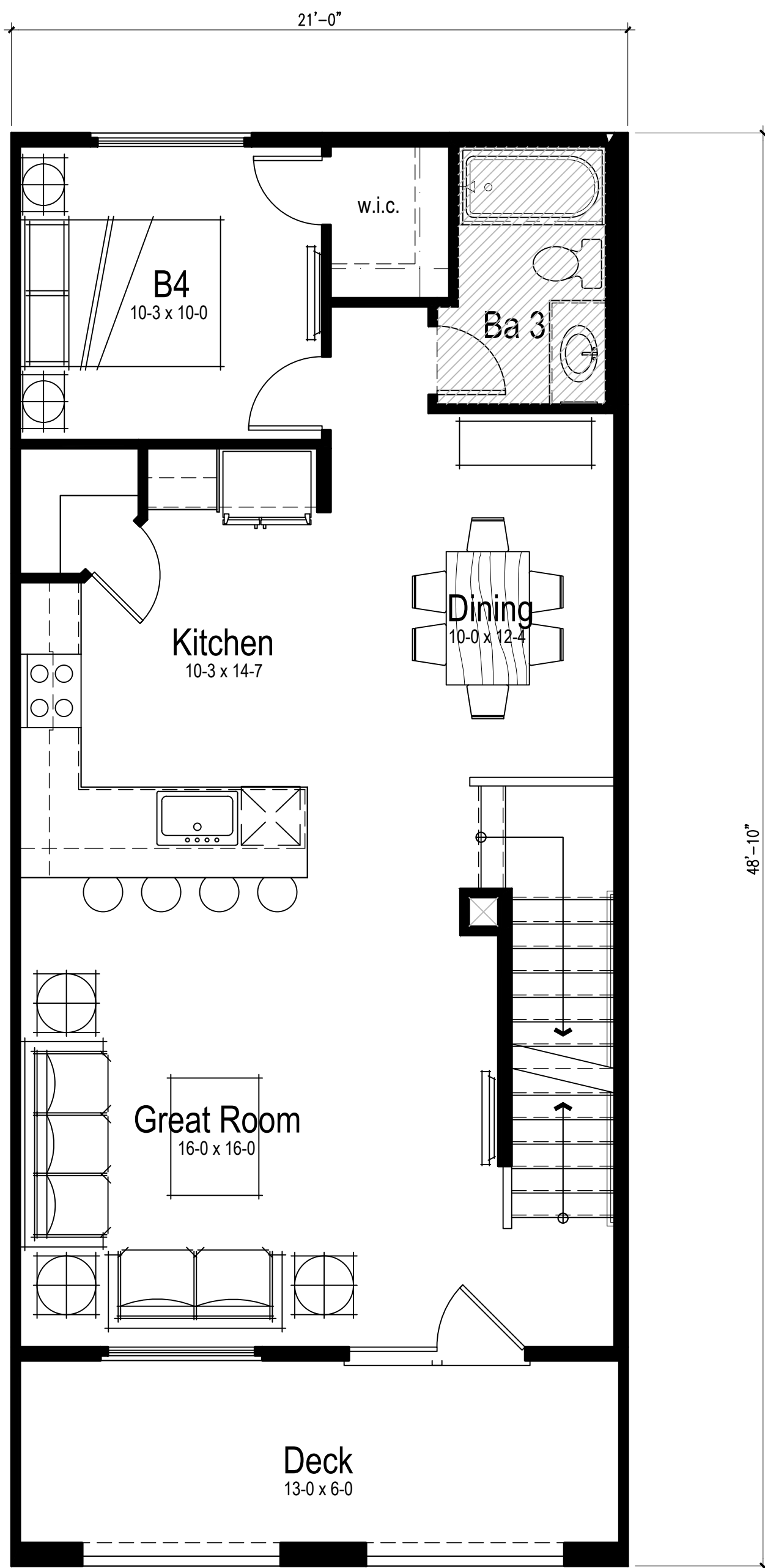


PLAN 4-E2

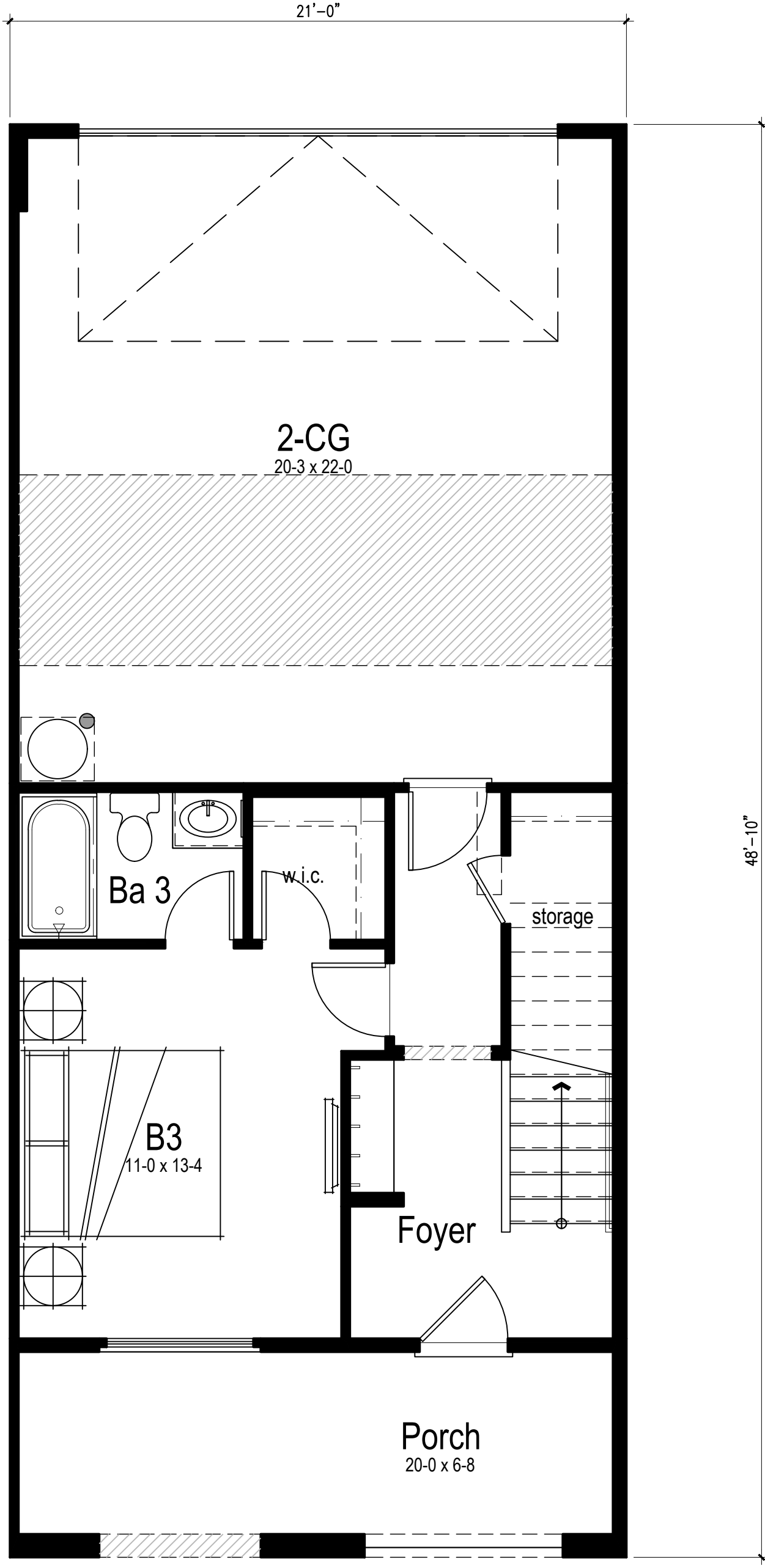
(IN GROSS SQUARE FEET)				
UNIT FLOOR	CONDITIONED R-3	UNCONDITIONED (PORCH/DECK) R-3	UNCONDITIONED (GARAGE/STOR) U	FLOOR TOTAL
FIRST FLOOR	407	137	472	1016
SECOND FLOOR	878	137	0	1015
THIRD FLOOR	956	0	0	956
UNIT TOTAL:	2241	274	472	2987



Third Floor Plan 4



Second Floor Plan 4-E2



First Floor Plan 4-E2



BUILDING TYPE B - 39-PLEX
NORTH ELEVATION
COLOR SCHEME 1



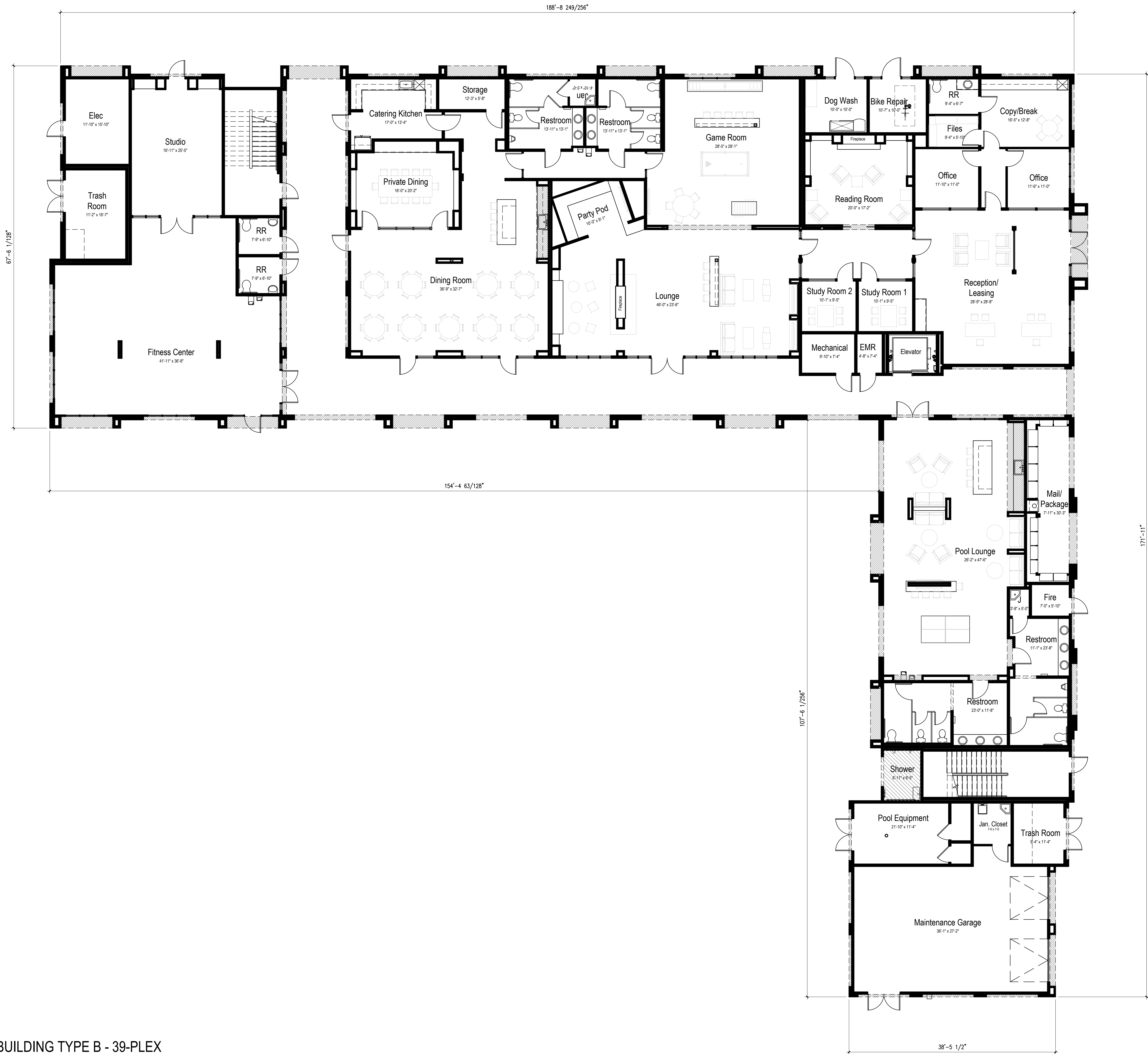
BUILDING TYPE B - 39-PLEX
SOUTH ELEVATION



BUILDING TYPE B - 39-PLEX
EAST ELEVATION



BUILDING TYPE B - 39-PLEX
WEST ELEVATION



39-PLEX

(IN SQUARE FEET)							
BUILDING LEVEL	INTERIOR COMMON SPACE (A)	UNCONDITIONED COMMON SPACE (A)	APARTMENTS (R-2)	INTERIOR COMMON SPACE (R-2)	UTILITY (U)	FLOOR TOTAL (NET)	FLOOR TOTAL (GROSS)
1	9077	4091	0	0	1098	14266	15870
2	0	0	10507	2926	170	14565	14932
3	0	0	10507	2926	170	14565	14932
4	0	0	10507	2926	170	14565	14932
TOTAL BY OCC.	9077	4091	31521	8778	1608	--	--
BUILDING TOTAL:	57961						60666

BUILDING TYPE B - 39-PLEX
FIRST FLOOR PLAN



39-PLEX

(IN SQUARE FEET)							
BUILDING LEVEL	INTERIOR COMMON SPACE (A)	UNCONDITIONED COMMON SPACE (A)	APARTMENTS (R-2)	INTERIOR COMMON SPACE (R-2)	UTILITY (U)	FLOOR TOTAL (NET)	FLOOR TOTAL (GROSS)
1	9077	4091	0	0	1098	14266	15870
2	0	0	10507	2926	170	14565	14932
3	0	0	10507	2926	170	14565	14932
4	0	0	10507	2926	170	14565	14932
TOTAL BY OCC.	9077	4091	31521	8778	1608	--	--
BUILDING TOTAL:	57961						60666

BUILDING TYPE B - 39-PLEX
SECOND FLOOR PLAN

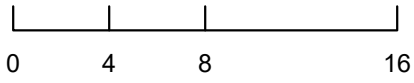
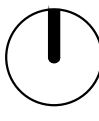


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MORGAN HILL - ALTERNATIVE 7C
MORGAN HILL, CA # 2023-595

DESIGN
JANUARY 11, 2024



COMPOSITE PLAN

A3-4



39-PLEX

(IN SQUARE FEET)							
BUILDING LEVEL	INTERIOR COMMON SPACE (A)	UNCONDITIONED COMMON SPACE (A)	APARTMENTS (R-2)	INTERIOR COMMON SPACE (R-2)	UTILITY (U)	FLOOR TOTAL (NET)	FLOOR TOTAL (GROSS)
1	9077	4091	0	0	1098	14266	15870
2	0	0	10507	2926	170	14565	14932
3	0	0	10507	2926	170	14565	14932
4	0	0	10507	2926	170	14565	14932
TOTAL BY OCC.	9077	4091	31521	8778	1608	--	--
BUILDING TOTAL:	57961						60666

BUILDING TYPE B - 39-PLEX
THIRD FLOOR PLAN

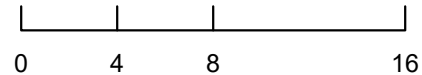
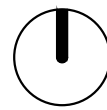


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MORGAN HILL - ALTERNATIVE 7C
MORGAN HILL, CA # 2023-595

DESIGN
JANUARY 11, 2024



COMPOSITE PLAN

A3-5



39-PLEX

(IN SQUARE FEET)							
BUILDING LEVEL	INTERIOR COMMON SPACE (A)	UNCONDITIONED COMMON SPACE (A)	APARTMENTS (R-2)	INTERIOR COMMON SPACE (R-2)	UTILITY (U)	FLOOR TOTAL (NET)	FLOOR TOTAL (GROSS)
1	9077	4091	0	0	1098	14266	15870
2	0	0	10507	2926	170	14565	14932
3	0	0	10507	2926	170	14565	14932
4	0	0	10507	2926	170	14565	14932
TOTAL BY OCC.	9077	4091	31521	8778	1608	--	--
BUILDING TOTAL:	57961						60666

BUILDING TYPE B - 39-PLEX
FOURTH FLOOR PLAN

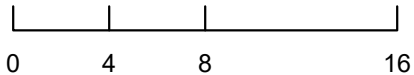
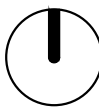


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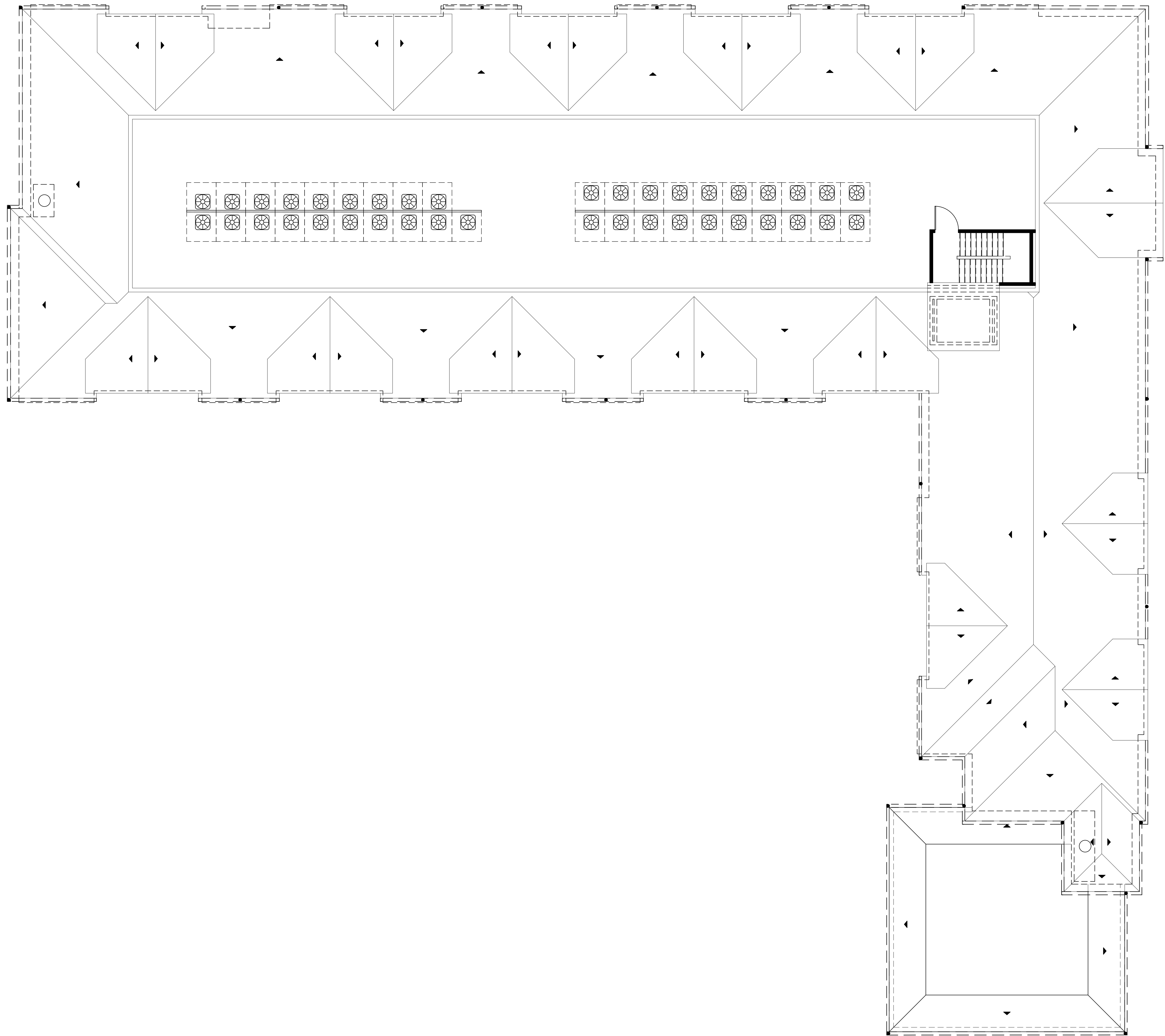
MORGAN HILL - ALTERNATIVE 7C
MORGAN HILL, CA # 2023-595

DESIGN
JANUARY 11, 2024



COMPOSITE PLAN

A3-6



►

SLOPE ROOF 4:12

||

RAIN GUTTERS

⌋

RAIN GUTTER OPENING - SPILL TO BELOW

⇒

RAIN GUTTER DOWNSPOUT

BUILDING TYPE B - 39-PLEX
ROOF PLAN

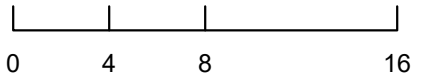
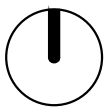


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MORGAN HILL, CA # 2023-595

DESIGN
JANUARY 11, 2024



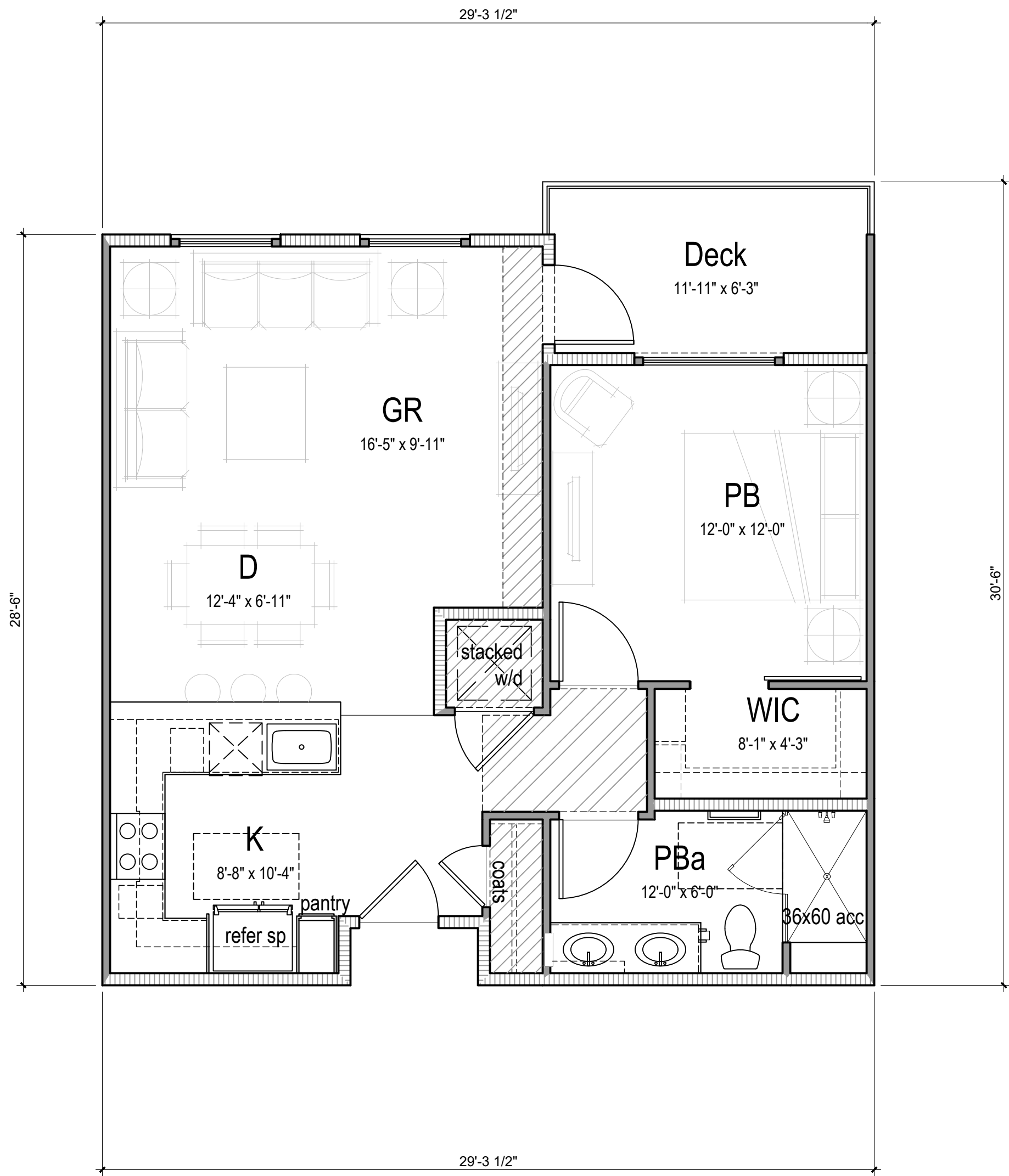
ROOF PLAN

UNIT1

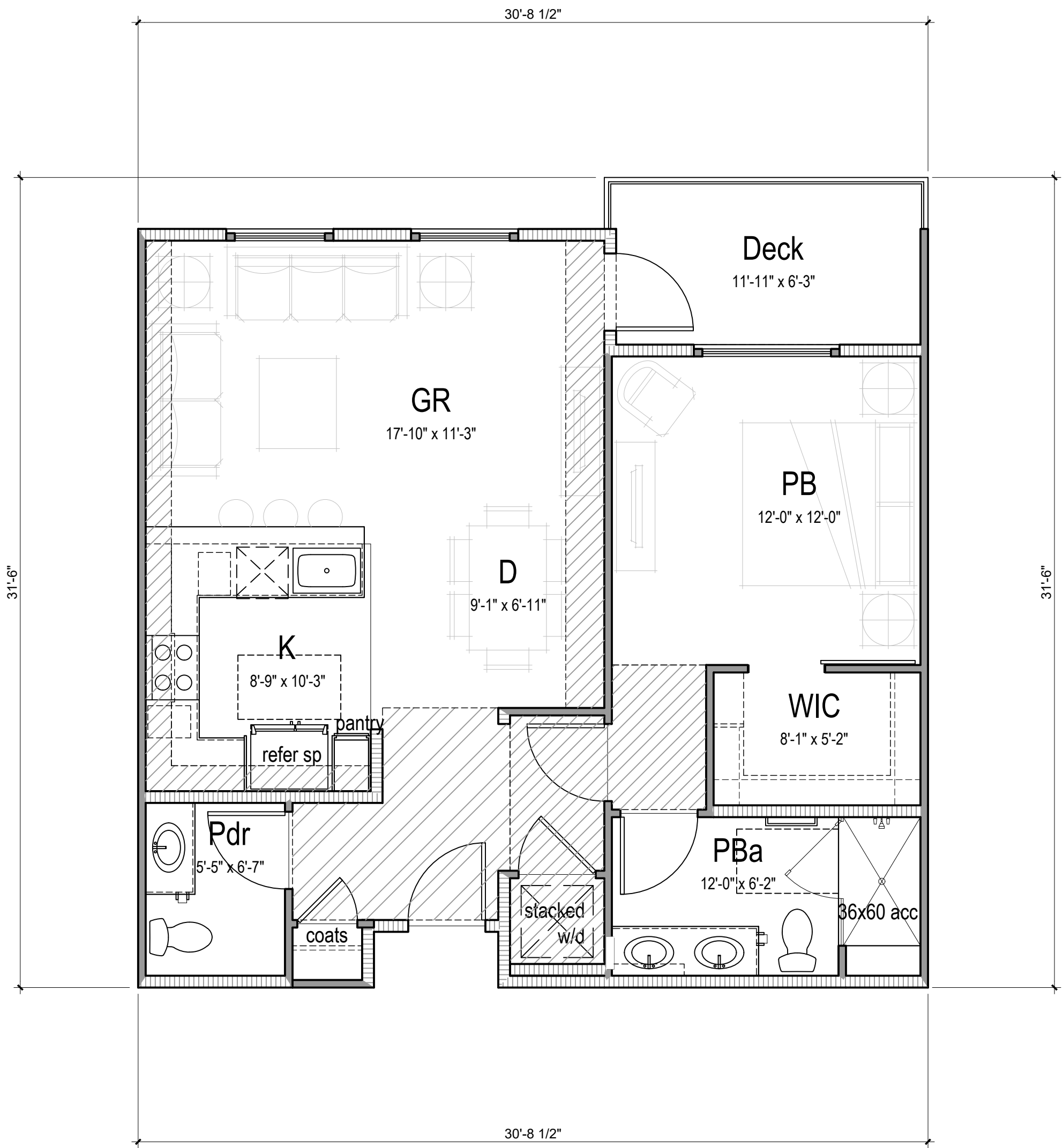
(IN SQUARE FEET)			GROSS
	CONDITIONED R-2	UNCONDITIONED (PORCH/DECK) R-2	APARTMENT TOTAL
APT. 1	841	75	916

UNIT 2

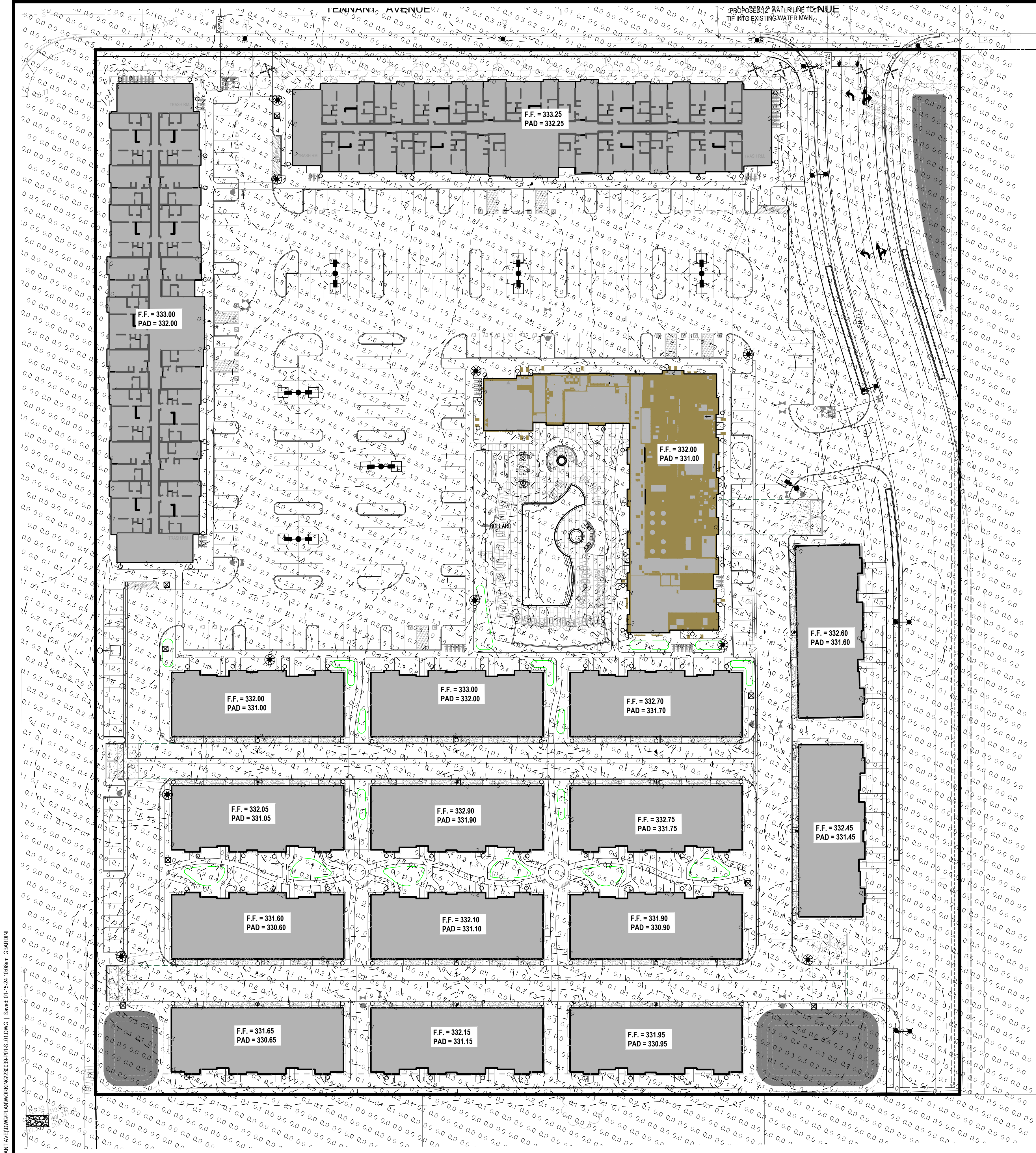
(IN SQUARE FEET)			GROSS
	CONDITIONED R-2	UNCONDITIONED (PORCH/DECK) R-2	APARTMENT TOTAL
APT. 2	770	75	845



UNIT 2 - 1 BED, 1 BATH
1/4" = 1'-0"

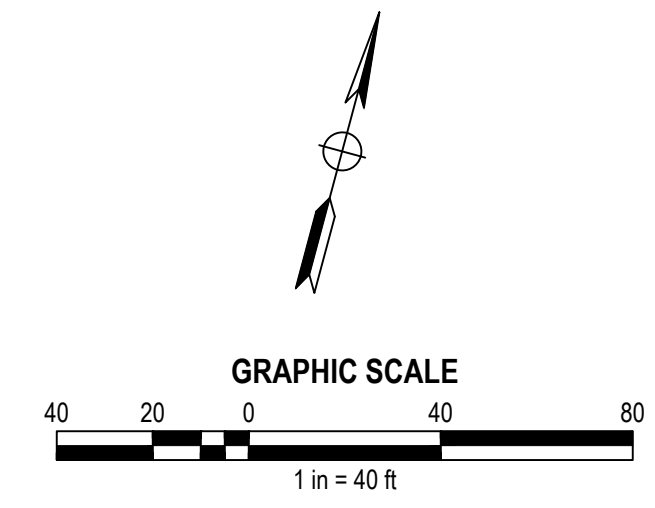
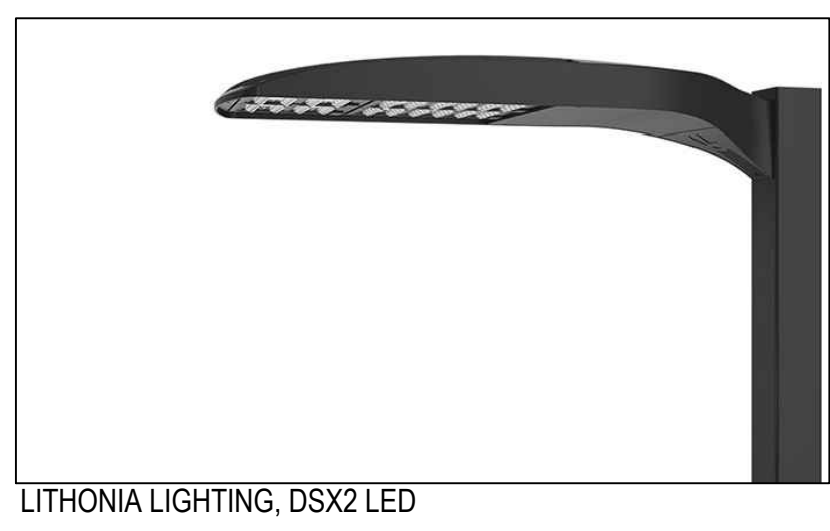


UNIT 1 - 1 BED, 1.5 BATH
1/4" = 1'-0"



GENERAL PHOTOMETRIC SCHEDULE	
AVERAGE FOOT-CANDLES	0.86
MAXIMUM FOOT-CANDLES	12.3
MINIMUM FOOT-CANDLES	0
MINIMUM TO MAXIMUM FC RATIO	0
MAXIMUM TO MINIMUM FC RATIO	55861.96
AVERAGE TO MINIMUM FC RATIO	3888.02

LUMINAIRE SCHEDULE										
CALLOUT	SYMBOL	LAMP	DESCRIPTION	BALLAST	MOUNTING	MODEL	VOLTS	NOTE 1	NOTE 3	QUANTITY
1TFM		(1) LED.	DSX2 LED P1 40K 1TFM MVOLT	ELECTRONIC	POLE	Lithonia Lighting, DSX2 LED P1 40K 1TFM MVOLT	120V 1P 2W	LED DRIVER.	/21/2017 11/9/2017 SCALED PHOTOMETRY TYPE IV, SHORT, BUG RATING: B3 - U0 - G4 18952.5 0 ; 0 140 3, 1.2, 0.5 0, 0, 0 ARM MOUNT 0-Series Area Size 2 0294066-483-4c01-0888-7179461800 NOTE: DATA SHOWN IS ABSOLUTE FOR THE SAMPLE PROVIDED. 23842 70 120.1 VOLTS, 205.9 WATTS, 1.72 AMPS AMBIENT: 24.9	13
K208-150		(1) 150W SWITCH-BOX 22201829, SETTING: FOS 3 = 69.8K, V.3 SHALLOW LENS USED, XPG8WT-01-0000-00XPL	EXISTING STREETLIGHTS	ELECTRONIC	POLE	King Luminaire, K200S-PASH-III-100(SS)-7030	240V 2P 2W	Meanwell HLG-150H-248	COPL 11/27/15 11/11/15 INPUT ELECTRICAL: 120.0 VOLTS, 100.7 WATTS, 0.847 AMPS Pendant POWER FACTOR: 1.0, VOLTAGE THD: 0.2, CURRENT THD: 9.6 AMBIENT: 24.9 10549	11
MRP-LED		(1)	MRP POST TOP LIGHT 42 LEDS 1000 mA DRIVE CURRENT 40K COLOR TEMP TYPE 4 DISTRIBUTION	ELECTRONIC	POLE	Lithonia Lighting, MRP LED 42C 1000 40K 384 MVOLT	120V 1P 2W		1/26/2018 SCALED PHOTOMETRY TYPE II, SHORT, BUG RATING: B2 - U2 - G2 9781.6 151 LED POST 1.5, 1.5, 0.531 MRP-LED 30e6788-87a8-426f-821c-f0c82746e54 42 LED TYPE 4 DISTRIBUTION	11
VCPG-1		(1)	VCPG LED WITH P2 - PERFORMANCE PACKAGE, 4000K, LANE OPTIC TYPE	ELECTRONIC	CEILING	Lithonia Lighting, VCPG LED P2 40K LANE MVOLT	120V 1P 2W	.	/27/2018 11/23/2020 ACUTY BRANDS LIGHTING, DECATUR LAB TYPE IV, VERY SHORT, BUG RATING: B1 - U0 - G2 4774.5 33.96 LED PENDANT/ CEILING MOUNT 1.58, 1.58, 4.1 VCPG LED Parking Garage Luminaire 12e97d18-d0a8-4281-8796-df73614e0d7	2
Wall-Pack		(1) LED, NICHIA NVAL144ART	LIL Wallpack (Standard)	ELECTRONIC	WALL	Lithonia Lighting, LIL LED 40K MVOLT	120V 1P 2W	LED DRIVER, ANTRON ACT00512M.	/24/2018 4/20/2018 ACUTY BRANDS LIGHTING, DECATUR LAB IES LM-79-06 TYPE II, VERY SHORT, BUG RATING: B1 - U0 - G2 832.8 0 ; 0 LED 8 0.1, 0.19, 0 WALLPACK DOWNLIGHT LIL LED Wall Pack 3350a6d6-0139-4a39-b72a-f5dc66e262e4 NOTE: DATA SHOWN IS ABSOLUTE FOR THE SAMPLE PROVIDED. 833.7 120.1 VOLTS, 8.36 WATTS, 0.0690 AMPS AMBIENT: 25.8	138



SCALE:

HORIZ. 1" = 40'

VERT. 1" =

BENCH MARK

COMPUTED

DESIGNED

DRAWN

PROJ. ENGR.

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Folsom • Fresno
600 Coolidge Drive, Suite #140
Folsom, CA 95630
phone: (916) 984-7621
web: www.mpengr.com

MORGAN HILL
PRELIMINARY LIGHTING PLAN

MORGAN HILL, CA

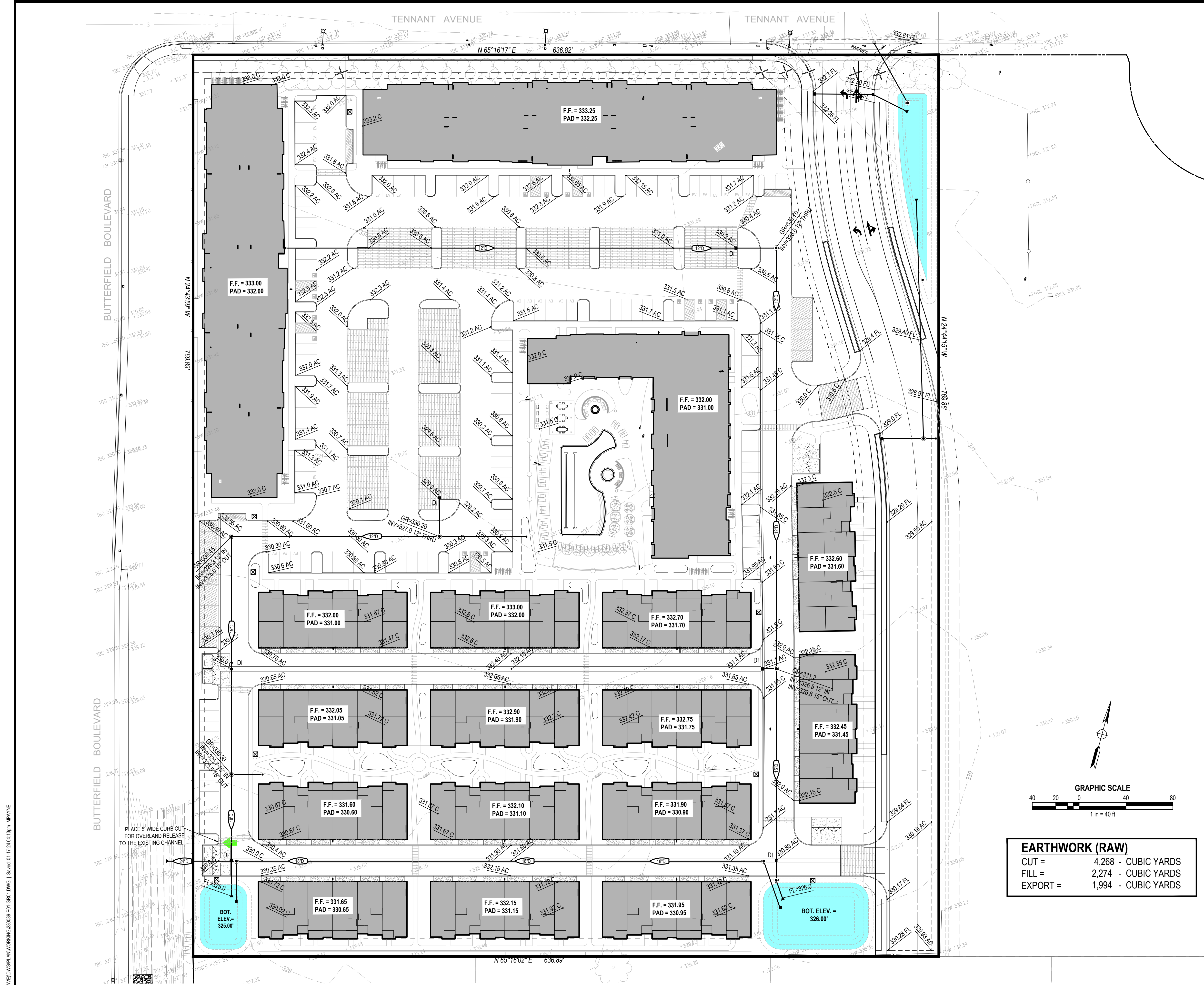
DATE
NOV. 17, 2023

SHEET
LT-1

4 OF 4

JOB NO. 23-0039-00

Page 508 of 716



EXISTING	PROPOSED	DESCRIPTION
		STORM DRAIN PIPE & SIZE
		SANITARY SEWER PIPE & SIZE
		DOMESTIC WATER PIPE & SIZE
		MANHOLE
		DRAIN INLET-TYPE NOTED ON PLAN
		TEMP FIELD INLET
		CLEANOUT
		1" SERVICE LATERAL WITH METER BOX
		CHECK VALVE
		GATE VALVE
		REDUCER
		AIR/VACUUM RELEASE VALVE
		BLOWOFF ASSEMBLY
		FIRE HYDRANT ASSEMBLY
		RESTRAIN JOINTS LIMITS
		SEWER SERVICE
		SEWER SERVICE WITH BACKWATER VALVE
		CURB RAMP
		STREET LIGHT
		SIGN
		MONUMENT (CST ST-36)
		FLOWLINE OF SWALE
		EXISTING TREE
		SLOPE BANK: TOP OF BANK TOE OF BANK

SYMBOLS

AB	AGGREGATE BASE	LD	LANDSCAPE DRAIN
AC	ASPHALTIC CONCRETE OR ACRE	LF	LINEAR FEET
APROX	APPROXIMATE	LIP	EDGE OF GUTTER PAN
AVE	AVENUE	LT	LEFT
BC	BEGIN HORIZONTAL CURVE	MAX	MAXIMUM
BK PG	BOOK PAGE	MH	MANHOLE
BLDG	BUILDING	MIN	MINIMUM
BLVD	BOULEVARD	MISC	MISCELLANEOUS
BM	BENCH MARK	MON	MONUMENT
BRW	BOTTOM OF RETAINING WALL	NO	NUMBER
BW	BOTTOM OF WALL	OH	OVERHEAD
C, CONC	CONCRETE	PB	PULL BOX
CALC	CALCULATED	PI	POINT OF INTERSECTION
CL	CENTERLINE	PL	PROPERTY LINE
CO	CLEANOUT OR COUNTY	POB	POINT OF BEGINNING
CONST	CONSTRUCT	PP	POWER POLE
COORD	COORDINATE	PROP	PROPERTY
COTG	CLEANOUT TO GRADE	PT	POINT OF TANGENCY
CR	CURB RETURN	P, PVMT	PAVEMENT
CT	COURT	PVC	POLYVINYL CHLORIDE
CV	CHECK VALVE	R	RADIUS OR RIDGE
Δ	DELTA	RAD	RADIAL
D	STORM DRAIN	RD	ROAD, ROOF DRAIN
DDCV	DOUBLE DETECTOR CHECK VALVE	RR	RAILROAD
DF	DRINKING FOUNTAIN	RT	RIGHT
DI	DRAIN INLET	R/W	RIGHT OF WAY
DIA, Ø	DIAMETER	S	SLOPE OR SEWER
DMH	STORM DRAIN MANHOLE	SCH	SCHEDULE
DS	DOWNSPOUT	SD	STORM DRAIN
DTL	DETAIL	SG	SUBGRADE
DWG	DRAWING	SHT	SHEET
DWY	DRIVEWAY	SMH	SEWER MANHOLE
EC	END HORIZONTAL CURVE	SS	SANITARY SEWER
EP	EDGE OF PAVEMENT	STA	STATION
ESMT	EASEMENT	ST	STREET
EX, EXIST	EXISTING	STD	STANDARD
FD	FLOOR DRAIN / AREA DRAIN	SW	SIDEWALK
FDC	FIRE DEPARTMENT CONNECTION	TB	TOP OF BANK
FG	FINISHED GRADE	TBC	TOP BACK OF CURB
FH	FIRE HYDRANT	TBW	TOP BACK OF WALK
FL	FLOWLINE	TC	TOP OF CURB
FNC	FENCE	TD	TRENCH DRAIN
FND	FOUND	TEL	TELEPHONE
FS	FIRE SPRINKLER	TEMP	TEMPORARY
FT	FOOT (FEET)	TMH	TOP OF MINI HIGH
FW	FIRE WATER	TOPO	TOPOGRAPHY
FWY	FREEWAY	TOR	TOP OF RAIL
G	GAS	TP	TELEPHONE POLE
GB	GRADE BREAK	TPF	TOP OF PLATFORM
GFL	GUTTER FLOWLINE	TRW	TOP OF RETAINING WALL
GR	INLET GRATE	TS	TRAFFIC SIGNAL
HGL	HYDRAULIC GRADE LINE	TW	TOP OF WALL
HWY	HIGHWAY	TYP	TYPICAL
INTX	INTERSECTION	UG	UNDERGROUND
INV	PIPE INVERT	VERT	VERTICAL
IRR	IRRIGATION	W	WATER
L	LENGTH	XING	CROSSING
		YD	YARD

ABBREVIATIONS

EARTHWORK (RAW)

CUT = 4,268 - CUBIC YARDS
FILL = 2,274 - CUBIC YARDS
EXPORT = 1,994 - CUBIC YARDS

SCALE:	BENCH MARK	BM 535
HORIZ. 1" = 40'	ELEV. 340.16	
VERT. 1" =	BRASS DISK ON NORTHERLY SIDE OF TENNANT AVENUE, 230 FEET EASTERLY OF THE CENTERLINE INTERSECTION OF TENNANT AVENUE AND HILL ROAD, ON TOP OF THE NORTHWESTERLY 10 INCH WIDE WING WALL FOR SMALL BRIDGE, 0.9 FEET EASTERLY OF THE WESTERLY END OF THE WALL, UNINCORPORATED SANTA CLARA COUNTY.	

COMPUTED
DESIGNED
DRAWN
PROJ. ENGR.

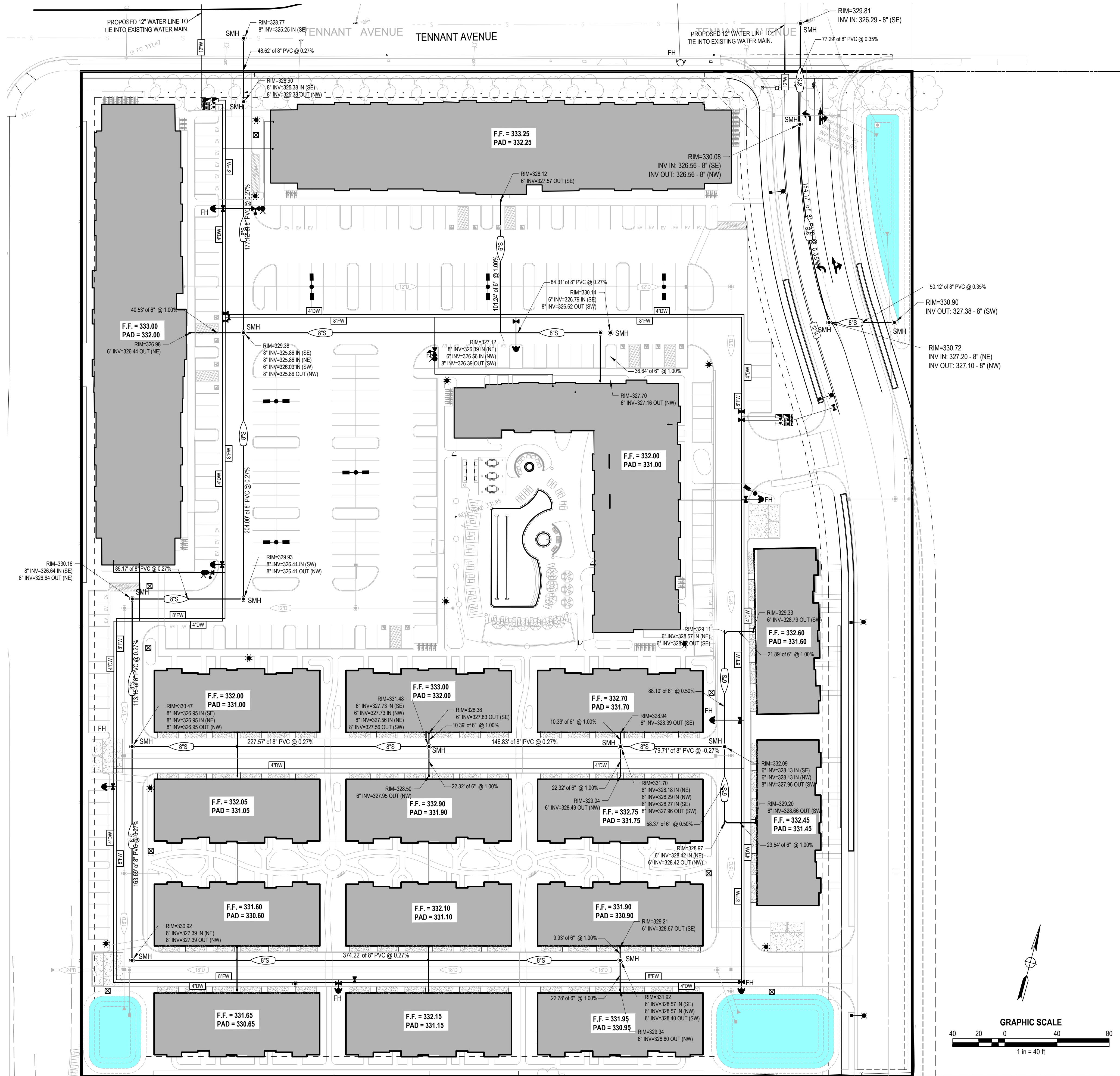


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Folsom, CA 95630
phone: (916) 984-7621
web: www.mpengr.com

MORGAN HILL PRELIMINARY GRADING PLAN

MORGAN HILL, CA

DATE	JAN 17, 2024
SHEET	C-1
2 OF 4	



EXISTING	PROPOSED	DESCRIPTION
		STORM DRAIN PIPE & SIZE
		SANITARY SEWER PIPE & SIZE
		DOMESTIC WATER PIPE & SIZE
		MANHOLE
		DRAIN INLET-TYPE NOTED ON PLAN
		TEMP FIELD INLET
		CLEANOUT
		1" SERVICE LATERAL WITH METER BOX
		CHECK VALVE
		GATE VALVE
		REDUCER
		AIR/VACUUM RELEASE VALVE
		BLOWOFF ASSEMBLY
		FIRE HYDRANT ASSEMBLY
		RESTRAIN JOINTS LIMITS
		SEWER SERVICE
		SEWER SERVICE WITH BACKWATER VALVE
		CURB RAMP
		STREET LIGHT
		SIGN
		MONUMENT (CST ST-36)
		FLOWLINE OF SWALE
		EXISTING TREE
		SLOPE BANK: TOP OF BANK TOE OF BANK

SYMBOLS

AB	AGGREGATE BASE	LD	LANDSCAPE DRAIN
AC	ASPHALTIC CONCRETE OR ACRE	LF	LINEAR FEET
APROX	APPROXIMATE	LIP	EDGE OF GUTTER PAN
AVE	AVENUE	LT	LEFT
BC	BEGIN HORIZONTAL CURVE	MAX	MAXIMUM
BK, PG	BOOK PAGE	MH	MANHOLE
BLDG	BUILDING	MIN	MINIMUM
BLVD	BOULEVARD	MISC	MISCELLANEOUS
BM	BENCH MARK	MON	MONUMENT
BRW	BOTTOM OF RETAINING WALL	NO	NUMBER
BW	BOTTOM OF WALL	OH	OVERHEAD
C, CONC	CONCRETE	PB	PULL BOX
CALC	CALCULATED	PI	POINT OF INTERSECTION
CL	CENTERLINE	PL	PROPERTY LINE
CO	CLEANOUT OR COUNTY	POB	POINT OF BEGINNING
CONSTR	CONSTRUCT	PP	POWER POLE
COORD	COORDINATE	PROP	PROPERTY
COTG	CLEANOUT TO GRADE	PT	POINT OF TANGENCY
CR	CURB RETURN	P, PVMT	PAVEMENT
CT	COURT	PVC	POLYVINYL CHLORIDE
CV	CHECK VALVE	R	RADIUS OR RIDGE
Δ	DELTA	RAD	RADIAL
D	STORM DRAIN	RD	ROAD, ROOF DRAIN
DDCV	DOUBLE DETECTOR CHECK VALVE	RR	RAILROAD
DF	DRINKING FOUNTAIN	RT	RIGHT
DI	DRAIN INLET	RW	RIGHT OF WAY
DIA, Ø	DIAMETER	S	SLOPE OR SEWER
DMH	STORM DRAIN MANHOLE	SCH	SCHEDULE
DS	DOWNSPOUT	SD	STORM DRAIN
DTL	DETAIL	SG	SUBGRADE
		SHT	SHEET
DWG	DRAWING	SMH	SEWER MANHOLE
DWY	DRIVEWAY	SS	SANITARY SEWER
ED	END HORIZONTAL CURVE	STA	STATION
EP	EDGE OF PAVEMENT	ST	STREET
ESMT	EASEMENT	STD	STANDARD
EX, EXIST	EXISTING	SW	SIDEWALK
FD	FLOOR DRAIN / AREA DRAIN	TB	TOP OF BANK
FDC	FIRE DEPARTMENT CONNECTION	TBC	TOP BACK OF CURB
FG	FINISHED GRADE	TBW	TOP BACK OF WALK
FH	FIRE HYDRANT	TC	TOP OF CURB
FL	FLOWLINE	TD	TRENCH DRAIN
FNC	FENCE	TEL	TELEPHONE
FND	FOUND	TEMP	TEMPORARY
FS	FIRE SPRINKLER	TMH	TOP OF MINI HIGH
FT	FOOT (FEET)	TOPO	TOPOGRAPHY
FW	FIRE WATER	TOR	TOP OF RAIL
FWY	FREEWAY	TP	TELEPHONE POLE
G	GAS	TPF	TOP OF PLATFORM
GB	GRADE BREAK	TRW	TOP OF RETAINING WALL
GFL	GUTTER FLOWLINE	TS	TRAFFIC SIGNAL
GR	INLET GRATE	TW	TOP OF WALL
HGL	HYDRAULIC GRADE LINE	TYP	TYPICAL
HWY	HIGHWAY	UG	UNDERGROUND
INTX	INTERSECTION	VERT	VERTICAL
INV	PIPE INVERT	W	WATER
IRR	IRRIGATION	XING	CROSSING
L	LENGTH	YD	YARD

ABBREVIATIONS

SCALE:	BENCH MARK	BM 535
HORIZ. 1" = 40'	ELEV. 340.16	
VERT. 1" =	BRASS DISK ON NORTHERLY SIDE OF TENNANT AVENUE, 230 FEET EASTERLY OF THE CENTERLINE INTERSECTION OF TENNANT AVENUE AND HILL ROAD, ON TOP OF THE NORTHWESTERLY 10 INCH WIDE WING WALL FOR SMALL BRIDGE, 0.9 FEET EASTERLY OF THE WESTERLY END OF THE WALL. UNINCORPORATED SANTA CLARA COUNTY.	

COMPUTED
DESIGNED
DRAWN
PROJ. ENGR.



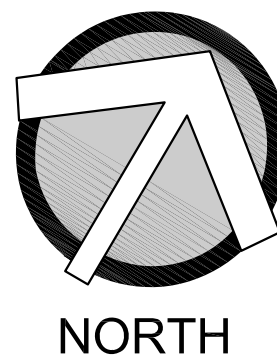
MORTON & PITALO, INC.
CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
Folsom • Fresno
600 Coolidge Drive, Suite #140
Folsom, CA 95630
phone: (916) 984-7621
web: www.mpengr.com

MORGAN HILL PRELIMINARY UTILITY PLAN

MORGAN HILL, CA

DATE	JAN 17, 2024
SHEET	C-2
3 OF 4	

S:\img\Morgan Hill Apartments\DWG\DWG\MAH PL.dwg\18 Jan 2024 4:56 PM by: Jeff Ambrosia



1223 HIGH STREET
AUBURN, CALIFORNIA 95603
530.885.0040
www.yamasaki-la.com

LANDSCAPE DEVELOPMENT PLANS

MORGAN HILL APARTMENTS

740 TENNANT AVENUE
MORGAN HILL, CALIFORNIA

Client/Subconsultant

Project Mgr: JMA

Drawn By: JMA

Scale: 1"=20'-0"

Date: 1/11/24

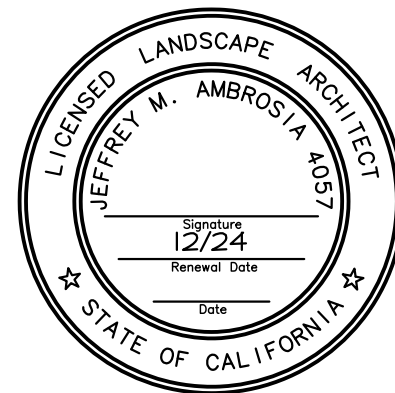
File Name: MHA PL

No.	Date	Revision
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These drawings are instruments of service and are the property of Yamasaki Landscape Architecture. All designs and other information on the drawings are for the use on the specified project and shall not be used otherwise without the express written permission of Yamasaki Landscape Architecture.

Seal



Sheet Title

LANDSCAPE PLAN

Sheet No

L1

of sheets

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into on May 15, 2024, by and between Ten South Acquisitions, LLC (“Ten South”), a Delaware limited liability company, and the City of Morgan Hill, a California municipal corporation (“City”). Ten South and City are sometimes singularly or collectively referred to herein as a “Party” or the “Parties.”

RECITALS

- A. On or about August 29, 2023, Ten South filed a preliminary application for a 265-unit multi-family housing project and associated amenities (“Project”) pursuant to SB 330 at the property located at 740 Tennant Avenue in Morgan Hill, California (“Property”). The Project includes at least twenty percent (20%) of the total units dedicated as affordable to very low-income households.
- B. The Property is currently vacant and zoned as “Highway Commercial” and designated as “Commercial/Industrial” in the General Plan Land Use Element Map and allows for multifamily housing projects to be developed at the Property pursuant to State Law. In addition, the Property is not used for agriculture and does not contain any known development constraints, as provided in the SB 330 preliminary application for the Project filed with the City by Ten South (the “Preliminary Application”). The Property is close to and maintains good access to 101 Freeway from Tennant Avenue.
- C. The City agrees and acknowledges the Project provides certain economic, legal, social, technological and other benefits to the City of Morgan Hill including the provision of very low-income affordable housing and other community benefits as provided in this Agreement.
- D. Ten South submitted the Project Preliminary Application pursuant to Government Code Section 65589.5(d)(5), the portion of the Housing Accountability Act referred to as the Builder’s Remedy.
- E. On January 30, 2024, Ten South filed its formal application pursuant to SB 330, reducing the unit count to 259 units, but maintaining at least twenty percent (20%) of the total units, or 52 total units, dedicated as affordable to very low- or low-income households (“Formal Application”).
- F. The Parties dispute whether the Builder’s Remedy applies to the Project.
- G. Mindful of the delay, expense, and uncertainty of litigation, the Parties now desire to compromise and settle on the terms and conditions stated below.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the covenants, promises, and provisions set forth herein, the Parties agree as follows:

SECTION 1: CITY'S COMMITMENTS AND OBLIGATIONS

1. **Waiver of Builder's Remedy:** The City agrees to waive any objection regarding the applicability of the Builder's Remedy to the Project (while specifically reserving such right with respect to any other project before the City). As such, the City shall process the project as a Builder's Remedy project, as proposed by Developer in the Formal Application, including the plans and documents submitted to the City therewith, and acknowledges and agrees that, except as provided herein, the Zoning Ordinance and General Plan land use designation do not apply to the Project.

2. **Processing of Project:** The City hereby agrees that it shall expedite processing of the Project and shall ensure that the Project is heard by the relevant approval body prior to the end of August 2024.

3. **CEQA Review:** The City and Ten South agree that because the Project is not subject to the Zoning Ordinance and General Plan and no separate use permit is required, it is a by-right project. Therefore the Project is not subject to discretionary review and thus not subject to the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* (*McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018); 31 Cal.App.5th 80; Gov. Code, § 65589.5(d)(5); Pub. Resources Code, § 21080(b).)

- a. The City and Ten South acknowledge that the environmental reports and studies included in the City's objective standards and checklists will be completed prior to consideration by the Planning Commission for design review, and that certain measures may be required under the Mitigation Monitoring and Reporting Program for the City's General Plan Environmental Impact Report.

4. **Impact Fees:** The City will provide an impact fee estimate for Ten South for all applicable development impact fees ("Impact Fees"), at no charge, and that fee analysis shall be attached as Exhibit A to this Agreement. The City agrees to provide a loan to Ten South in the total amount of the Impact Fees, payable to the City. This loan shall be made on the date those Impact Fees become due to the City [estimated to be at issuance of building permits]. The loan shall be evidenced by a promissory note from Ten South (the "Note"), which shall bear interest at five and one half percent (5.5%) interest per annum and shall be repaid to City as a balloon payment in the full amount of the principal and interest on the date that is thirty-six (36) months after the issuance of the first building permit (the "Maturity Date"). The Note shall be secured by a deed of trust (the "Deed of Trust") on the Property, which shall be subordinated to Ten South's construction financing for the Project. The City acknowledges that the interest rate provided for in the Note is a market rate of interest, and as a result, this loan does not give rise to any prevailing wage requirements. The City agrees that the loan contemplated herein is to assist Ten South in Ten South's efforts to obtain a Welfare Exemption from real estate taxes for the Project in return

for Ten South's agreement to provide the affordable housing contemplated in the Project. The City agrees to work with Ten South to draft the loan documents in such a way as to qualify the affordable units for the Welfare Exemption.

SECTION 2: TEN SOUTH'S COMMITMENTS AND OBLIGATIONS

5. **Ten South Community Benefit Obligation:** Ten South will provide two million dollars (\$2,000,000.00) in support of City priorities ("Community Benefit Obligation"). As indicated in Section 3 of this Agreement, the entire Community Benefit Obligation will be included in the Note on the date of issuance of the Note along with all other Impact Fees listed in Exhibit A. Accordingly, the Community Benefit Obligation will bear interest at the rate of five and one half percent (5.5%) per annum and will be secured by the Deed of Trust. Once paid to the City on the Maturity Date, such funds may be used by the City to perform certain community benefit projects designated by City, at City's discretion.

6. Ten South agrees to provide the items to the City Planning Department listed in the City's Incomplete Letter, dated April 12, 2024, as modified in the attachment set forth in Exhibit B. Upon the City's receipt of these items in Exhibit B, the City shall deem complete Ten South's formal application.

7. Ten South shall not be required to comply with Zoning Code requirements, including its development standards, but will use best efforts to comply with the City's objective design standards. Notwithstanding, the Project shall not be required to comply with the following standards:

- Section A.1 of the City's Residential Development Design and Development Standards to the extent the Project is not required to meet Municipal Code Section 14.04.040.F.1 and that the affordable units will be provided only in the midrise and community clubhouse buildings.
- Section A.3 of the City's Residential Development Design and Development Standards since the Project, as Builder's Remedy, is not required to comply with the applicable zoning district standards due to applicability of the Builder's Remedy.
- Section A.10 of the City's Residential Development Design and Development Standards to the extent the Project shall not be required to provide any type of agricultural buffer and/or open space easement.

8. Ten South shall develop 20% of its Project units (52 total units) to be affordable to very low-income households (meaning rents shall be limited to 30% of 50% of Area Median Income for Santa Clara County) or lower, and shall execute a regulatory agreement to ensure affordability of the designated affordable units at the Project site for fifty-five (55) years in return for the City's agreement to provide the loan evidenced by the Note and Deed of Trust. As used herein, Area Median Income shall mean the area median income as published from time to time by the California Department of Housing and Community Development ("HCD"), provided,

however, if the area median income published HCD is lower than the area median income published by the United States Department of Housing and Urban Development (“HUD”), then the area median income published by HUD shall control.

9. Ten South has agreed to provide 52 affordable (very-low income) housing units, which shall be located in only in the mid-rise and community clubhouse buildings at the Property and not in the townhouse buildings. In exchange for this agreement by Ten South, the City agrees to waive any claim that Title 14 of City’s Municipal Code (Housing) applies to the Project as a Builder’s Remedy project. Notwithstanding the above, all tenants of affordable housing units shall be provided the same access to project amenities, recreational facilities, and common areas as occupants of market-rate units.

10. Ten South shall comply with Morgan Hill Municipal Code, Title 15, including the City’s Building Code provisions, as they relate to the physical health and safety of the public.

11. **Casualty:** City acknowledges and agrees that City’s approval of this Settlement Agreement and approval of Project, including the Formal Application, shall constitute a vested right to develop and maintain the Project as proposed in the Formal Application (including the plans) which consists of, among other things, 259 rental units, of which 84 are located in townhome-style buildings. In the event of unforeseen casualty or change in law, Developer shall have the right to rebuild or reconstruct the Project in a form and manner substantially as approved by City pursuant to this Settlement Agreement and approval of Project, including the Formal Application.

12. Following receipt of the final certificate of occupancy for the Project, or earlier as determined by the Parties, the Parties shall work in good faith to correct the zoning and general plan land use designation of the Property to be consistent with the Project. With Developer’s consent, City shall initiate the application and consider the approval of a zoning map amendment and general plan amendment.

SECTION 3: NOTICES

13. All notices must be in writing and be addressed to the affected Party at the addresses set forth below. Notices shall be: (a) delivered by in-person service to the addresses set forth below, in which case they will be deemed delivered on the date of delivery, as evidenced by the written report of the courier service, or (b) sent by certified mail, return receipt requested, in which case they will be deemed delivered five (5) business days after deposit in the United States mail. Any Party may change its address or the name and address of its attorneys by giving notice in compliance with this Agreement. Notice of a change will be effective only upon receipt. Notice given on behalf of a Party by any attorney purporting to represent a Party will constitute notice by the Party if the attorney is, in fact, authorized to represent the Party. All Notices shall also be provided to the other Party via e-mail, however, delivery via e-mail shall not constitute notice for purposes of this Section. The addresses of the Parties’ attorneys are:

If to CITY:

City Manager
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037
Email: christina.turner@morganhill.ca.gov

With a copy to:

Donald Larkin
City Attorney
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037
Email: donald.larkin@morganhill.ca.gov

If to TEN SOUTH:

Ten South Acquisitions
Attn: Scott Canel
445 Central Avenue, Suite 200
Highland Park, Illinois, 60035
Email: scott@tensouth.com

With a copy to:

Meyers Nave
Attn: Russell E. Morse
707 Wilshire Boulevard, 24th Floor
Los Angeles, California 90017
Email: rmorse@meyersnave.com

SECTION 4: MISCELLANEOUS

14. No Admission of Liability. This Agreement is not an admission of liability or fault on the part of either Party.

15. Legal Fees and Costs. Each Party shall bear its own legal fees and costs resulting from the preparation, negotiation, and execution of this Agreement. If any action or proceeding arises from or relates to this Agreement, the prevailing party shall be entitled to recover its out-of-pocket costs, reasonable attorney's fees, and costs of attorneys (including in-house counsel fees) and experts against the non-prevailing Party, in addition to all other relief to which that Party may be entitled.

16. Right to Cure. If any Party believes that another Party's performance is in default of that Party's obligations under this Agreement, the accusing Party shall provide written notice to the defaulting Party of the alleged default ("Default Notice"); offer to meet and confer in a good

faith effort to resolve the issue; and provide the defaulting Party thirty (30) days to cure the alleged default commencing at the time of receipt of the Default Notice. A Default Notice shall specify in reasonable detail the nature of the alleged default and, where appropriate, the manner in which the alleged default satisfactorily may be cured.

17. Remedies on Default. Upon the happening of any uncured default, the non-defaulting party may exercise those remedies available to it pursuant to law or equity, including without limitation specific performance and expectation damages.

18. Entire Agreement; Amendments. This Agreement contains the entire agreement between the Parties and supersedes any prior written or oral agreements between them concerning the subject matters contained herein. No supplement, modification, or amendment to this Agreement shall be binding unless executed in writing by all Parties hereto.

19. Waiver. The waiver of any provision or term of this Agreement shall not be deemed a waiver of any other provision or term of this Agreement. The mere passage of time, or failure to act upon a default, shall not be deemed a waiver of any provision or term of this Agreement.

20. Execution. The Parties warrant that, in executing this Agreement, they do so with full knowledge of the rights and obligations that they may have and that they have received independent legal advice with respect to the matters contained in the Agreement.

21. Joint Negotiation. This Agreement is the product of joint negotiations between the Parties and shall not be construed against any of the Parties.

22. Interpretation. Specific provisions of this Agreement will take precedence over conflicting general provisions.

23. California Law. This Agreement will be construed in accordance with the laws of the State of California.

24. Authority of Signatories. The individuals executing this Agreement represent and warrant that they have the authority to sign on behalf of the respective Party for which they have executed this Agreement.

25. Binding and Enforceable Upon Signature. As to any Party, this Agreement shall be binding upon the Effective Date. This Agreement shall be enforceable by any Party and each Party's respective successors and assigns.

26. Counterparts. This Agreement may be executed in counterparts. For purposes of this Agreement, an electronically transmitted signature shall be considered as the equivalent of a wet-ink signature and shall be fully binding.

27. Effective Date. This Agreement will be effective upon the date of execution of the Agreement by all Parties.

28. Materiality; Severability. The parties agree and stipulate that each and every recital contained in the preamble and every term and condition contained in this Agreement is material, and that each and every recital, term, and condition may be reasonably accomplished within the time limitations and in the manner set forth in this Agreement. Failure of any party to perform any one provision hereof shall be the basis for issuance of a Default Notice pursuant to Section 15. If any provision of this Agreement is determined to be invalid or unenforceable, the remainder shall be construed as valid and enforced so as to effectuate the intention of the Parties at the time the settlement was entered into.

29. Assignment, Successors and Assigns. This Agreement may not be assigned without the written consent of the other Party. If properly assigned, this Agreement will bind and inure to the benefit of the agents, assigns, and successors-in-interest of each Party.

30. Time is of the Essence. Time is of the essence of each and every provision of this Agreement.

31. Upon any disagreement regarding the interpretation of a provision of this Agreement or the applicability of the Builder's Remedy, the Parties agree to meet and confer regarding the disagreement and shall negotiate in good faith to seek resolution of the disagreement.

32. Additional Documents. The Parties agree to prepare and deliver such further documents and instruments, and shall take such other actions, as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date written below.

TEN SOUTH ACQUISITIONS, LLC, a Delaware limited liability company

By: _____
Scott Canel

Title: Manager

Date: _____

CITY OF MORGAN HILL, a municipal corporation

By:  _____
Christina Turner

Title: City Manager

6/5/2024
Date: _____

APPROVED AS TO FORM:

DONALD LARKIN
City Attorney

By: _____
City Attorney

Date: _____

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date written below.

TEN SOUTH ACQUISITIONS, LLC, a Delaware limited liability company

By: _____
Scott Canel

Title: Manager

Date: _____

CITY OF MORGAN HILL, a municipal corporation

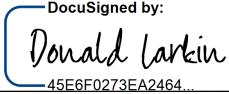
By: _____
Christina Turner

Title: City Manager

Date: _____

APPROVED AS TO FORM:

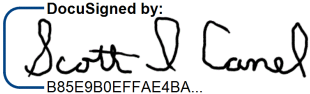
DONALD LARKIN
City Attorney

By:  _____
City Attorney

Date: 6/4/2024

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date written below.

TEN SOUTH ACQUISITIONS, LLC, a Delaware limited liability company

By: _____
Scott Canel

Title: Manager

6/3/2024
Date: _____

CITY OF MORGAN HILL, a municipal corporation

By: _____
Christina Turner

Title: City Manager

Date: _____

APPROVED AS TO FORM:

DONALD LARKIN
City Attorney

By: _____
City Attorney

Date: _____

EXHIBIT A
IMPACT FEE ANALYSIS

EXHIBIT B

EXCERPT OF CITY'S INCOMPLETE LETTER

Ten South shall provide the following items to the City, as described in the City's Incomplete Letter dated April 12, 2023, as follows:

Planning Division

- Provide dimensioned elevations of all sides of project structures.
- A visual representation of the nighttime lighting to indicate the effect of security and decorative lighting.

Housing Division

The preliminary application indicates that the applicant is proposing to satisfy the Inclusionary Housing Ordinance (IHO) Affordable Housing obligation by building 52 low-income below-market rate rental units. Applicants must complete the IHO checklist as part of application completeness and to align with the requirements of Builder's Remedy.

Checklist here:

[https://www.morganhill.ca.gov/DocumentCenter/View/44122/InclusionaryHousing-Ordinance\[1\]Checklist-pdf](https://www.morganhill.ca.gov/DocumentCenter/View/44122/InclusionaryHousing-Ordinance[1]Checklist-pdf)

Building Division

- A. Please submit a preliminary Building Code analysis to show compliance with building area, height, occupancy classification, and type of construction. Provide a table to show code allowed vs. provided for this project. Preference is to specify this information on the plan.
- B. SP-1 / Site plan: The following standards are missing on the site plan.
 - a. Delineate the accessible path of travel from public sidewalk, accessible parking/accessible electric vehicle spaces, common areas to building entrances. Common areas including trash enclosures shall be reasonably apart from the buildings on site with an accessible path of travel.
 - b. Parking analysis/requirement to show required vs. provided for guest parking, assigned parking, covered or uncovered if any, to reflect requirements of CBC 11A, Cal Green, and MHMC. Show accessible parking spaces including van spaces, EV charging stations (standard and van-accessible spaces)/capable/ready spaces, and bicycle parking.
 - c. Site plan to identify the above (b) parking spaces/locations and information.

- d. Site Plan to identify EV parking spaces and associated chargers.
- e. Update the photometric summary/schedule to show lighting requirements of MHMC 15.40.
- f. Identify complying ground floor accessible units on the overall site plan and in the floor plan.
- g. Identify adaptable/accessible units on site plan.

Engineering – Land Development Division

Please review Engineering-Land Development Design and Development Standards #46 through #65. Provide appropriate information for the City to review other than those standards such as “Stream Channel and Riparian Setbacks” that are not clearly associated with the project.

Joint Trench Intent:

Pursuant to Objective Standard #49 (Undergrounding Utilities), all new utility distribution and service connections are placed underground and all existing overhead utilities adjacent to any site boundary, within the project site, or along any street frontage are placed underground in accordance with City standards and affected utility company guidelines.

- a. Submit the project’s joint trench intent plans along the Tennant Avenue frontage for City review and approval.
- b. This standard does not apply to aerial power transmission lines.

Valley Transportation Authority (VTA) Compliance and Review:

Pursuant to Objective Standard #57 (VTA Compliance and Review), the project is required to provide a review letter from VTA that the project has been reviewed for compliance with their standards and requirements. Transit improvements within the public right-of-way are subject to approval by the City Engineer or designee.

Broadband Connectivity:

Pursuant to Design Objective Standard #66 (Broadband Connectivity), the project is required to provide the following broadband connectivity to the project:

- d. Show the conceptual locations of the broadband conduit along Tennant Avenue and/or future Juan Hernandez Drive frontage, and from Tennant Avenue and/or future Juan Hernandez Drive to each of the residential buildings.

Environmental Services

1. The hydrozone map (color coded) and plant selection was not provided with the landscape plan package.
2. Irrigation Design Plans were not provided.

5726998.1

PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 24, 2024

PREPARED BY:

Cynthia Hasson, Assistant City Attorney

APPROVED BY: Jennifer Carman

**MISC2024-0004: CONSIDER AN ORDINANCE TO AMEND THE CITY OF MORGAN HILL
SPECIFIC PLAN DELETING THE CONDITIONAL USE PERMIT REQUIREMENT FOR BARS
ASSOCIATED WITH A RESTAURANT**

RECOMMENDATION(S)

1. Open/close public hearing; and
2. Adopt resolution recommending City Council approval of the amendment to the Specific Plan.

LOCATION MAP/PROJECT INFORMATION:

N/A

BACKGROUND:

The Downtown Specific Plan was adopted by the City Council on November 4, 2009. The plan lists restaurants with a full-service bar as a conditionally permitted use.

The General Plan was adopted by the City Council on July 27, 2016.

The Morgan Hill zoning code was substantially revised in 2018. The requirement for a Conditional Use Permit (CUP) for restaurants with a full-service bar located outside of downtown was eliminated with the adoption of the zoning code update in 2018, causing downtown restaurants to be treated differently than restaurants outside of downtown.

A Type 47 license is typical for restaurants where both food and beverages will be served during the same hours of operation. Alcohol licenses are issued under the authority of the State's Department of Alcoholic Beverage Control (ABC). Each census tract has a limited number of licenses that can be issued based on the population within the census tract and crime rates. Additional licenses can be issued if findings for "public convenience or necessity" (PCN) are made by the ABC. While this PCN finding is determined by the ABC alone for Type 47 licenses, the allowance for alcohol sales is consistent with the City's General Plan goals of providing thriving restaurants and bars that meet local residents' needs and attract tourists. Such a concentration is typical and considered appropriate for a downtown area that contains multiple dining and drinking establishments.

PROJECT DESCRIPTION:

The proposal is to amend the Morgan Hill Downtown Specific Plan to allow restaurants to have bars selling alcohol allowed by right, subject to a license issued by the ABC consistent with the Morgan Hill 2035 General Plan.

**PROJECT ANALYSIS AND FINDINGS:
ANALYSIS**

The proposed project was analyzed with respect to conformance with the Morgan Hill 2035 General Plan.

General Plan Land Use Consistency

The proposed amendment is consistent with the General Plan because the allowance for alcohol sales is typical of most restaurants in Downtown that operate with a Type 47 license and will be consistent with the City's General Plan Goals by providing thriving restaurants that meet local residents' needs and attracting tourists.

The Vision Statement of the Downtown Specific Plan is: "Strengthening Downtown as the gathering place, a connecting force, the social and activity heart of Morgan Hill, is the overriding aspiration of the Plan - a place where residents from all segments of the community can live, work, meet, shop, dine and participate in public celebrations, and share in the richness of Morgan Hill's community life..."

Downtown is the priority district for dining and entertainment. Allowing for a variety of restaurants contributes to the variety of available dining options and provides a unique experience. Applying for a CUP is a significant expense and causes delays for new restaurants. Because restaurants outside of downtown are not required to obtain a CUP, restaurants in the downtown are placed at a disadvantage, contrary to the intent of the General Plan and the Specific Plan. Economically, restaurants need to have the ability to offer a range of beverages to compete in today's dining market.

CONCLUSION:

Staff recommends the Planning Commission adopt the resolution recommending City Council approve the amendment to the Morgan Hill Downtown Specific Plan.

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 amendment to the Morgan Hill Downtown Specific Plan is not a project with potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis.

COMMUNITY ENGAGEMENT:

A 10-day public hearing notice was published in the Friday, September 13, 2024 edition of the Morgan Hill Times pursuant to Government Code sections 65090-65096.

ATTACHMENTS:

1. Planning Commission Resolution Table 8 amendment
2. Ordinance amending figure 8
3. Downtown Specific Plan

RESOLUTION NO. 24-11

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL RECOMMENDING
APPROVAL OF AN ORDINANCE TO AMEND THE CITY OF
MORGAN HILL SPECIFIC PLAN DELETING THE
CONDITIONAL USE PERMIT REQUIREMENT FOR BARS
ASSOCIATED WITH A RESTAURANT**

WHEREAS, this proposed Ordinance was considered by the Planning Commission of the City of Morgan Hill at its regular meeting of September 24, 2024; and

WHEREAS, the Planning Commission has reviewed recommendations contained in the September 24, 2024, staff report on this item; and

WHEREAS, 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 amendment to the Morgan Hill Downtown Specific Plan is not a project with potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis; and

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

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

SECTION 1. The Project approved pursuant hereto is exempt from the California Environmental Quality Act (CEQA) on the basis that it is not a project with potential for causing a significant effect on the environment.

SECTION 2. The proposed amendment is consistent with the General Plan because the allowance for alcohol sales is typical of most restaurants in Downtown that operate with a Type 47 license and will be consistent with the City's General Plan Goals by providing thriving restaurants that meet local resident's needs and attract tourists.

SECTION 3. The Planning Commission hereby recommends approval of changes to the text of the Morgan Hill Downtown Specific Plan which are shown by strike-out text for deletions and underline text for additions. All text amendments recommended to be made as shown in the attached draft ordinance.

PASSED AND ADOPTED THIS 24th DAY OF SEPTEMBER 2024, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

LIAM DOWNEY, Chair

ORDINANCE NO. , NEW SERIES

**AN ORDINANCE OF THE CITY OF MORGAN HILL
AMENDING THE 2009 DOWNTOWN SPECIFIC PLAN OF
THE CITY OF MORGAN HILL) DELETING THE
CONDITIONAL USE PERMIT REQUIREMENT FOR BARS
ASSOCIATED WITH A RESTAURANT**

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

Section 1. Figure 8 of the Morgan Hill Downtown Specific Plan is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~):

Permitted Uses

Figure 8 below lists uses that are permitted (P), conditionally permitted (C), conditionally permitted with a Downtown Administrative Use Permit (A), and not permitted (N).

Figure 8
Permitted Uses (within the Specific Plan Boundary)

Use <i>(Block 16 is subject to special use restrictions. Uses with an N in the column after the CBD column means that retail or commercial use is prohibited on Block 16)</i>	CBD	CBD Block 16	GFO	D-PF	R2 D-R3 D-R4	RE
Commercial/Service/Retail Uses						
Antique shop, vintage clothing and collectibles	P	N	P	N	N	N
Arts and crafts gallery	P	N	P	N	N	N
Bed and Breakfast Lodging	C	N	N	N	C	C
Commercial recreation (3,000 sq. ft. or less)	P		C	C	N	N
Commercial recreation (greater than 3,000 sq. ft.)	C		C	C	N	N
Commercial service	P		A	N	N	N
Convenience market/store	C	N	C	N	N	N
Dry cleaner, shoe repair	P	N	C	N	N	N
Family day care, small	C		N	N	P	P
Financial services, bank	P		C	N	N	N
Food service, takeout	P	N	P	N	N	N
Hotel	C	N	C	N	N	N
Nightclub and bar (ancillary to a restaurant)	C	N	C	N	N	N
Nightclub, bar, theater (not ancillary to a restaurant)	C	N	C	N	N	N
Nursery school/large family day care facility	C		N	C	C	C
Personal services	P		A	N	N	N
Public/quasi-public building (education, cultural, or public-service)	C		A	P	C	C
Public Parking Lots or Structures	P		C	P	C	N

Restaurant (bars and beer & wine permitted, bars conditionally permitted)	P	N	P	N	N	N
Retail store	P	N	P	N	N	N
School, general educational	C	N	N	C	N	N
Social hall, lodge, fraternal organization, community club, religious facilities	C	N	N	C	C	C
Specialty food market	P	N	P	N	N	N
Theater	C	N	C	N	N	N
Residential Uses						
Duplex, triplex	C	N	N	P	N	
Congregate care for the elderly/assisted living facility (>6)	N	N	C	C	N	
Home occupations (in accordance with Chapter 18.04.225: Home Occupations, of the Zoning Ordinance)	P	C	N	P	P	
Live/work unit	P	C	N	N	N	
Mixed use residential (residential use above some other use)	P	P	N	N	N	
Multi-family dwelling	C	C	N	P	N	
Nursing/convalescent hospital	N	N	C	C	N	
Residential congregate care facility - large (>6)	N	N	C	C	N	
Residential congregate care facility - small (≤6)	N	N	N	P	P	
Single-family attached dwelling	C	N	N	P	P	
Single-family detached dwelling	C	N	N	P	P	
Office/Professional Uses						
Business, trade or tutoring school	P	A	C	N	N	
Business support services	P	A	N	N	N	
Hospital	P	N	N	N	N	
Medical office	P	N	N	N	N	
Office, administrative	P	A	C	N	N	
Professional office	P	A	C	N	N	
Other Uses						
Drive-in establishments	C	N	N	N	N	
Public Parking Lots or Structures	P	C	P	C	N	
Other uses similar to permitted or conditionally permitted uses as determined by the Planning Commission to be permitted	C	C	C	C	C	

Section 2. 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 3. Effective Date; Posting. This Ordinance shall take effect on _____, 20)). The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

This ordinance was introduced at a meeting of the City Council held on the _____ day of _____, 2024, and adopted at a meeting held on the _____ day of _____, 2024.

_____, 2024, 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:

ATTEST:

APPROVED:

MICHELLE BIGELOW, City Clerk

MARK TURNER, 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 Ordinance No. _____, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the ____ day of _____, 20.

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

DATE: _____

MICHELLE BIGELOW, City Clerk



Morgan Hill Downtown Specific Plan

November 2009



ACKNOWLEDGEMENTS

City Council

Mayor Steve Tate
Councilmember Larry Carr
Councilmember Mark Grzan (to November 2008)
Councilmember Marby Lee
Councilmember Marilyn Librers
Councilmember Greg Sellers

Planning Commission

Geno Acevedo (to June 2009)
Mike Davenport (to November 2008)
Robert Escobar
Nancy Hart
Susan Koepp-Baker
John Liegl
Ralph Lyle (to June 2009)
John Moniz
Joseph Mueller
Wayne Tanda

ADOPTED NOVEMBER 4, 2009

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Chapter 1: Vision

Overview

The City of Morgan Hill is located approximately 12 miles south of San Jose, 10 miles north of Gilroy and 15 miles inland from the Pacific Coast. The City is centered on U.S. Highway 101, which is the major north-south transportation corridor in the region. The City is located approximately 25 miles south of the San Jose International Airport. The Morgan Hill Downtown Specific Plan boundary covers 18 blocks and approximately 110 acres. Downtown Morgan Hill is centered on Monterey Road and is bound by Main Avenue, Butterfield Boulevard, Dunne Avenue, and Del Monte Avenue (see Figures 1 and 2). The Downtown Core is generally defined by Main Avenue, the railroad tracks, Dunne Avenue, and Del Monte Avenue. This area has smaller lots and is closer to a traditional Main Street downtown atmosphere than the area east of the railroad, which is more downtown serving in nature.

This 2009 Downtown Specific Plan has its roots in a downtown plan created almost thirty years ago. In 1980, the community held a series of public workshops to address issues of Downtown revitalization, which was necessary due to changes stemming from completion of Highway 101, and subsequent shift of traffic from Monterey Road through the Downtown area over to the freeway. From these workshops, a bold 1981 Downtown Plan emerged that has created a unique Downtown image for Morgan Hill along with the modest attraction of new uses and the construction of additional buildings. That 1981 Plan established a series of recommendations for the Downtown area, many of which have since been implemented, with the key change being the Monterey Road streetscape with its large median and wide sidewalks.



Residences converted to interesting shops and offices



Restaurants with windows on the street

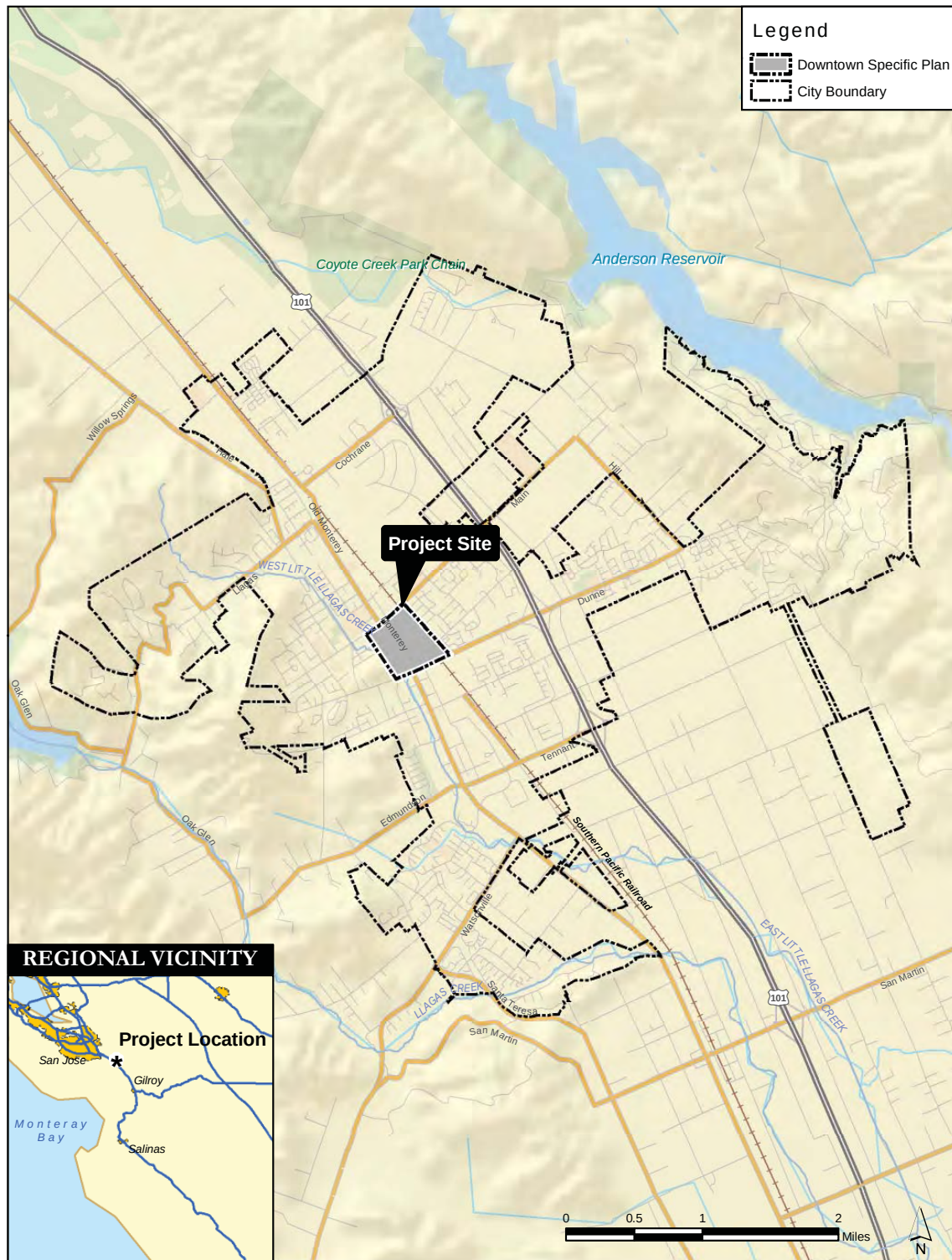


Attractive storefronts



Continuity of interesting shops

Examples from other communities



Local Vicinity

Figure 1



In 2003, a task force worked with the community and a consulting firm to prepare an update to the 1981 Plan. The 2003 update built on the success of the original Plan and proposed many recommendations and guidelines for Downtown improvements. Because full implementation of the Plan required preparation of an Environmental Impact Report (EIR), it was decided that the City Council would accept, rather than adopt the 2003 Plan. A Mitigated Negative Declaration was adopted and was used in conjunction with approval and implementation of certain aspects of the Plan, such as ordinances to increase density on certain opportunity sites and to modify certain parking requirements.

Following acceptance of the 2003 Downtown Plan, the City's Residential Density Control System (RDCS) was amended to make it easier for higher density residential and vertical mixed-use Downtown projects to compete for residential building allocations against the detached single-family residential projects. In 2005, the City held a competition for projects in the area in and around Downtown (see Figure 2 for the Downtown RDSCS boundary), resulting in 363 residential building allocations awarded into fiscal year '09/'10. Of the 363 units, 255 were located within the 18-block boundary of this Specific Plan.

In November 2006, voters approved a ballot measure (which modified the RDSCS) to allocate 100 additional units for projects of 25 units or less within the Specific Plan "Downtown Core" area. The measure also allows projects with Downtown RDSCS allocations spread out over multiple years to advance the timing of construction.

In May 2009, voters approved another ballot measure which provides an exemption from the RDSCS for 500 housing units located in the 20-block area of the Downtown.

In 2007, another update to the Plan was initiated to refine land use and public improvement objectives for Downtown, and to add the necessary information to so that it would become a "specific plan", which is a legal document that supplements the Morgan Hill General Plan and Zoning Ordinance for the Downtown area. The intent of the Downtown Specific Plan update is to focus on:

- increased residential density within the Specific Plan boundary, as well as on opportunity sites outside the Specific Plan boundary;
- development standards for new commercial spaces;
- coordination of a parking strategy with realistic growth projections;
- examination of circulation patterns; and
- creating a plan for public investment, given that the Redevelopment Plan Amendment was approved in 2005, which provides a substantial amount of funding for downtown and public infrastructure projects and activities.

Appendix A (Background) contains a more detailed history of the City and the Plan, as well as major topics from the previous plans. Appendix B (Workshop Results) provides a summary from the joint Planning Commission/City Council special meeting from June 19, 2007, the Downtown Plan Update Process Workshop from October 16, 2007, and the Downtown Specific Plan Stakeholder Workshop from February 19, 2008.

This chapter presents urban design goals and a vision statement for the Morgan Hill Downtown Specific Plan. The Downtown Task Force created this vision statement during the 2003 Morgan Hill Downtown Plan update process. It addresses the following key elements: land use, parking, Downtown access, Downtown focal point, landscaping and lighting, and signage.

Urban Design Goals

The primary urban design goals and objectives addressed by this Specific Plan include:

- creating an active Downtown village through intensifying residential, retail, restaurant, and entertainment uses, within an urban setting improved with unified landscaping and streetscape improvements;
- making Monterey Road and Third Street more pedestrian and retail friendly, and improve other roads with better street lighting and streetscape improvements;
- strengthening Downtown's identity and scale with new design related to a traditional character; and
- creating visual and physical linkages to Downtown with landscaping, bike paths and entry area features; and with linking downtown commercial uses to common parking areas available to the general public.

Vision Statement

Strengthening Downtown as the gathering place, a connecting force, the social and activity heart of Morgan Hill, is the overriding aspiration of this Plan – a place where residents from all segments of the community can live, work, meet, shop, dine and participate in public celebrations, and share in the richness of Morgan Hill's community life. It will be a place like nowhere else – a place with its own scale, character and uses.

Land Use

Downtown will encourage and accommodate a wide diversity of uses serving the community. It will offer needed goods and services as well as provide a congenial home for new and unique businesses. It will be a village where each use has its own distinct character, and where walking from use to use is an interesting and stimulating experience. Preserving public views of Nob Hill and El Toro will be a consideration as Downtown develops with new buildings.

A diversity of restaurant and entertainment uses will draw office workers to Downtown during the day, and provide a destination for individuals and families at night and on the weekend.

Specialty retail and food stores (i.e. bakeries, wine shops, and take-home gourmet meal delis) will serve commuters as well as provide residents with a greater range of shopping choices.

New and existing homes and apartments in and around downtown will provide support for Downtown businesses.

A variety of office and small businesses uses such as gift shops, bookstore, copy service, financial services, and law offices will provide a worker population in the downtown and offer needed supplies and services.

Parking

Existing Downtown parking lots will be improved with landscaping and lighting to provide convenient and attractive one-stop locations to leave the car while walking to several destinations along well-landscaped sidewalks. Additional pedestrian and vehicular linkages between Downtown parking lots will be created. On-street parking spaces will serve as convenient spaces for quick in-and-out stops while additional parking lots will be added over time to accommodate longer term parking needs. Shared parking will be encouraged.



Downtown Access

Pedestrian and bicycle access to Downtown will become more common in the future as bicycle lanes are added to Monterey Road north and south of Downtown, with links along Depot Street to the rail station. As streets are beautified with landscaping and street furniture, walking in Downtown will be a more pleasant experience. A trail along Upper Llagas Creek has been proposed as part of flood control improvements. This trail would provide pedestrians and bicyclists access from Downtown to areas north and south along the creeks. Due to right-of-way limitations, an off-street trail along the entire length of Upper Llagas Creek may not be feasible and Downtown sidewalks and bike lanes may be used as necessary. This trail is discussed further in Chapter 2 (Land Uses and Development Standards) and Chapter 8 (Implementation and Plan for Investment).

Key Downtown Streets and Focal Point

Along with Monterey Road, Third Street will become a focus of activity and outdoor dining in downtown. Widened sidewalks with landscaping and tree plantings on each side of Third Street will accommodate outdoor dining and specialty shops such as art galleries. Portions of the street, designed more as a plaza than a street, will be closed for special events including activities such as music and art shows. A focal point, possibly with public art, near the Monterey Road end of Third Street will provide a gathering place for activities and lighting will add a festive quality to the street.



Third Street



Third Street Plaza

Landscaping and Lighting

Downtown will have the feel of a well landscaped neighborhood with side streets lined with trees and street lights of a character related to the quality of landscaping and paving along Monterey Road and Third Street. Streetscape improvements along side streets (i.e. First, Second, Fourth, and Fifth Streets; and Main Avenue) will add to the quality of Downtown and provide a positive image of place and pride to those visiting from other areas. Attention to paving will bring additional scale and interest to pedestrian areas. Individual shops will have flower boxes and pots in front of their storefronts and entries to add color and an individual personality to each business. Side streets east of Monterey Road will be more urban, while side streets west of Monterey Road will transition from “Main Street” to a more “downtown residential” character.



Example of a side street west of Monterey Road in Downtown

Examples from Downtown Morgan Hill and other communities



Attractive second floor uses



Indoor/outdoor businesses



Variety of restaurants and menus



Public art



Diversity of shops



Sculptures



Morgan Hill Downtown Specific Plan

Signage

New public signage will assist in finding public parking lots and other destinations, while directional signage near Highway 101 and throughout Morgan Hill will assist visitors in finding their way to Downtown. Identity signs or gateway features marking the Downtown entries will have a character unique to Morgan Hill, and will assist in announcing to motorists that they are entering a pedestrian-oriented zone where speeds are slower and pedestrian crossings are frequent.

Private signs will be well designed to provide visual interest and express the individuality of each business.

Examples from other communities

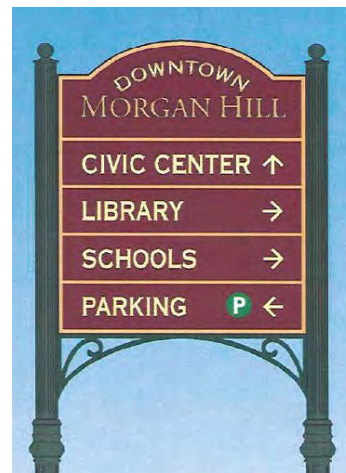
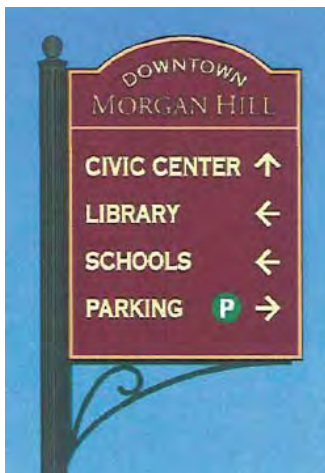


Signage with unique personality



Distinctive storefronts and signage

Examples from the Draft Citywide Directional Sign Program



Creative and user-friendly directional signage

Chapter 2: Land Uses and Development Standards

Overview

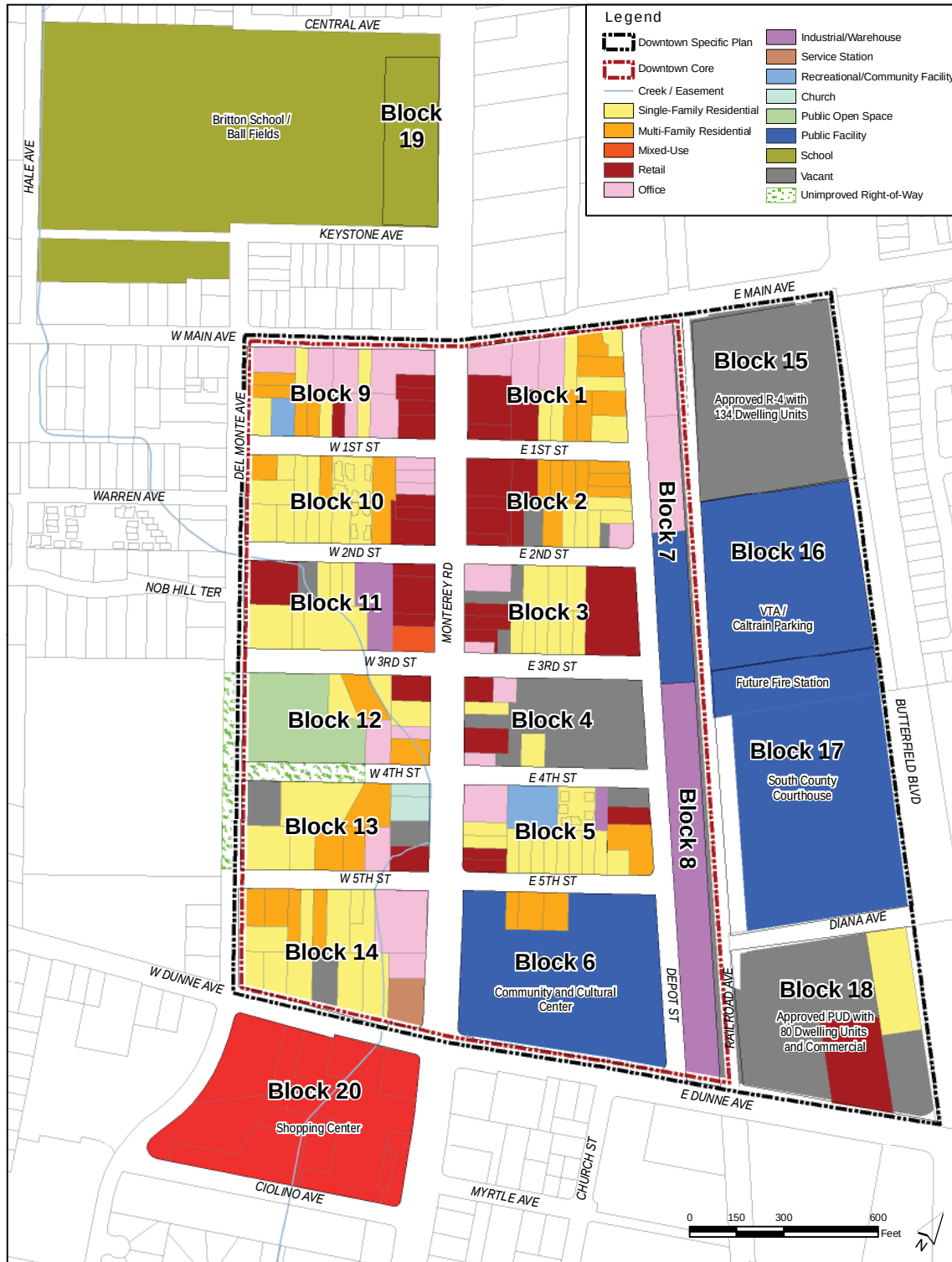
Downtown Morgan Hill is unique in that it has a commuter rail station within easy walking distance to a variety of retail, office, and residential uses. Figure 3 shows the existing land uses and highlights special uses, such as the Morgan Hill Community and Cultural Center.

Future development should focus on promoting pedestrian activity, increasing the Downtown residential population, and increasing shopping and employment opportunities with appropriately designed spaces throughout Downtown. The Specific Plan General Plan land use designations and Zoning Ordinance classifications reflect the development needs of Downtown Morgan Hill. Figures 4 and 5 show the General Plan land use designations and Zoning Ordinance classifications, respectively.

Mixed Use land use designation and the CBD zoning district make up the majority of the area along Monterey Road and between Monterey Road and the railroad tracks. A variety of residential densities are designated for a majority of the area west of Monterey Road and at the north and south ends of Butterfield Boulevard. Public Facilities exist at the Morgan Hill Community and Cultural Center, along Monterey Road and Dunne Avenue, as well as the future fire station and County Courthouse along Butterfield Boulevard. The Ground Floor Overlay (GFO) covers certain properties along Monterey Road and Third Street. The intent of this overlay is to provide ground-floor retail, as well as restaurant and entertainment uses to encourage pedestrian activity.

Morgan Hill voters approved a ballot measure in May 2009 modifying the Residential Development Control System (RDSCS) to better accommodate Downtown development, by providing an exemption for 500 housing units located in the 20-block Downtown area. The RDSCS is an ordinance approved by City voters aimed at controlling residential growth in the City. The current RDSCS extends through the year 2020, and is focused on a City population of 48,000 in 2020. The RDSCS has helped to assure that residential development pays for itself and that the rate of development does not outstrip the availability of public services and infrastructure to serve the City's residents. The RDSCS has also encouraged more efficient patterns of development by directing growth to areas that are contiguous to existing development and served by adequate infrastructure. Proposed residential projects are rated on a point-based system to determine which projects would best serve the City. Several Downtown property and business owners have expressed concern that this system favors development outside of Downtown. The RDSCS is an obstacle for mixed use and attached housing projects, which are key types of developments desired in the Downtown Specific Plan area. Downtown residential development encourages walking and transit use, utilizes previously developed land, and supports local businesses. Since this Specific Plan guarantees infrastructure keeps pace with development (see Chapter 7: Infrastructure and Chapter 8: Implementation and Plan for Investment) and since development included in this Specific Plan is City-centered growth, the approved modification of the RDSCS to allow for 500 Downtown housing units to the year 2020 to be exempt from the RDSCS and its competition requirement, will assist with attaining the community's vision for Downtown.

This Specific Plan assigns block numbers to Downtown blocks for ease of discussion (see Figure 3). Blocks 1-14 are within the Downtown Core and Blocks 1-18 are within the Specific Plan boundary. This Specific Plan also addresses land uses for Blocks 19 and 20, which are outside the Specific Plan boundary.



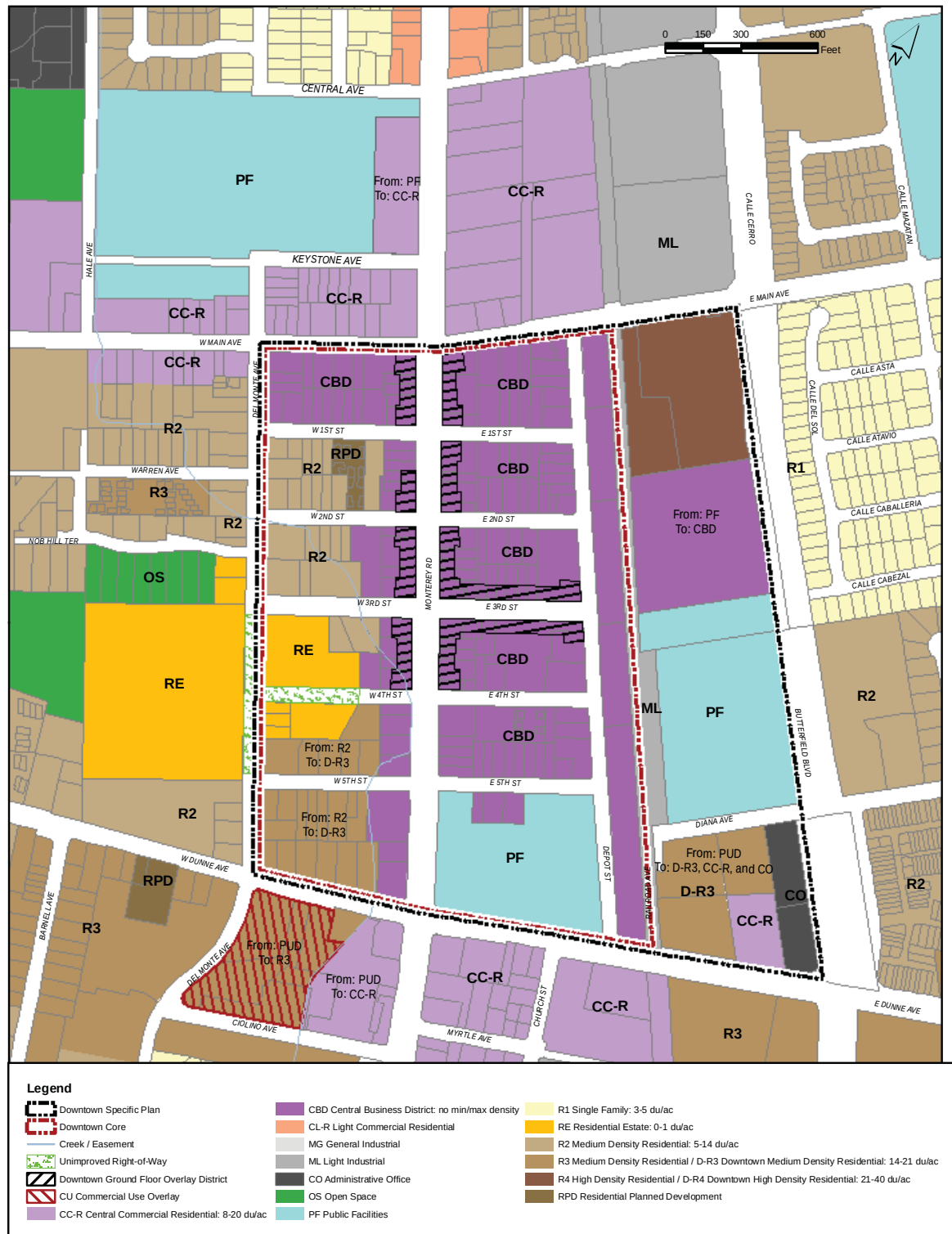
Existing and Approved Land Uses

Figure 3



Proposed General Plan Land Use Designations

Figure 4



Proposed Zoning Designations

Figure 5

Goals, Policies, and Actions

The Morgan Hill General Plan identifies a goal of the Downtown to be “a vibrant, identifiable downtown”. The following land use goals and objectives will guide public planning and implementation activities.

Land Use Goals and Objectives

- Encourage a diverse mix of uses emphasizing specialty retail, restaurant, entertainment, residential and commuter-serving uses.
- Emphasize Monterey Road and Third Street as the main commercial spines in Downtown.
- Emphasize transit-oriented uses which do not require large amounts of on-site parking.
- Rehabilitate existing Downtown residential units within residential areas; encourage redevelopment of key opportunity sites currently occupied with low-intensity residential uses to more intense mixed use projects.
- Add a substantial number of residential units in and near Downtown with densities ranging from 18 to 40 or more dwelling units per acre.
- Strengthen downtown through emphasis on the infill development of vacant lots along Monterey Road and Third Street.
- Encourage the conversion of residential uses on side streets between Monterey Road and Depot Street to mixed-use projects consistent with CBD zoning.
- Increase allowable density in the residential neighborhood west of Monterey Road and along Dunne Avenue, Fifth Street, and part of Fourth Street (Blocks 13 and 14).
- Allow for visitor-serving lodging and “bed and breakfast” uses in the Downtown Area.

The following policies and actions support and will help implement these goals and objectives.

Policies

- Encourage new development to expand pedestrian-oriented uses and amenities, especially along Monterey Road and Third Street.
- Encourage land uses that have weekend and evening peak demands to better accommodate shared parking.
- Promote high- and medium-density residential units in mixed-use development to increase the Downtown residential population. Adoption of this Specific Plan includes land use and zoning changes resulting in higher density near Dunne Avenue and Fifth Street (Block 14 and portions of Block 13) and on the VTA/Caltrain parking lot (Block 16).
- Encourage mixed-use development that accommodates both the retail and residential land uses.
- Promote Transit-Oriented Development along Third and Depot Streets, as well as on Block 16, to strengthen the relationship between the train station and residential uses. While Block 16 is designated for Mixed Use-CBD, desired development is for high-density residential use, Caltrain/VTA parking, with perhaps some office uses. Any commercial service use should be minor or ancillary, and retail uses are prohibited under this Specific Plan, as the goal is that retail uses be concentrated in the Downtown Core.
- Encourage the preservation of the small-scale residential neighborhoods west of Monterey Road and north of Fourth Street.
- Encourage development surrounding Downtown to promote transit-oriented, pedestrian-friendly development that would complement Downtown.
- Allow residential-to-commercial conversions for uses such as offices, gift shops, beauty salons, health spas, restaurants, art galleries and studios, bed and breakfast hotels, or other similar uses.

Actions

- Provide funding assistance using redevelopment funds for programs such as facade improvement grants, commercial rehabilitation loans, and housing rehabilitation loans.
- Implement the Third Street Plaza/ Promenade streetscape reconstruction and beautification project.
- Work with and encourage the Downtown Association and Chamber of Commerce to attract new businesses and to provide educational sessions for Downtown property and business owners.
- Review plans for new developments to ensure they provide sufficient retail building space, where appropriate.
- Enhance lighting by installing streetlights throughout Downtown, including along side streets and in parking areas to create a safe environment.
- Work with the Downtown Association and Downtown businesses to encourage more consistent operating hours and days.
- Work with the Downtown Association and other relevant organizations to provide assistance for Downtown activities, such as farmers markets, art shows, concerts, and other similar events.
- Provide Redevelopment Agency assistance to ensure that an operating theater use is retained Downtown. This could involve redevelopment of the Granada Theatre site or in another suitable location.
- Concurrent with adoption of this Specific Plan, amend the General Plan and Zoning Ordinance to extend the Mixed Use land use and CC-R (Central Commercial Residential) zoning designation north to Block 19.
- Concurrent with the adoption of this Specific Plan, amend the General Plan and Zoning Ordinance to increase the maximum density for Mixed Use land use designation and CC-R zoning district from 18 dwelling units per acre to 20 dwelling units per acre.
- Review plans for new development or remodels within the R2 and D-R3 zoning districts throughout Downtown to ensure compatibility with the existing residential development.
- This Specific Plan assumes that the shopping center at the intersection of Del Monte Avenue and West Second Street is retained. This site could be rezoned as CBD or R2 for redevelopment as a mixed-use or residential project if determined to be feasible and desirable.
- Concurrent with this Specific Plan, change land use designation and zoning, and support redevelopment of the existing shopping center located at the southwest corner of Dunne Avenue and Monterey Road (Block 20) to CC-R east of the SCVWD Upper Llagas Creek easement and D-R3 use west of the SCVWD easement, with a Commercial Use Overlay for the residential portion.
- Use Redevelopment Agency resources to facilitate mixed-used development along Third Street.

Land Use Targets

While the vision for Downtown Morgan Hill is one welcoming a diversity of uses, it is important to work toward a mix of uses that are mutually supportive and consistent with the vision of a pedestrian-oriented downtown. Emphasis is placed on retaining and attracting the following uses:

1. Restaurants

A wide range of eating establishments is desired from simple grilles to white tablecloth restaurants. However, in the context of Morgan Hill, franchise fast food restaurants are felt to be appropriately located in places other than Downtown. Restaurants with outside dining or with openable window walls adjacent to the sidewalk will be especially promoted.

2. Entertainment Uses

Entertainment uses are desired. Cinema venues and music provided in conjunction with restaurant dining are most desirable.

3. Food Shops

Bakeries; natural food and local produce markets; wine, cheese and olive shops; and other special food businesses will add richness to the Downtown environment and provide convenient services near the commuter rail station.

4. Home Furnishings

The income levels of Morgan Hill residents offer a market for art and interior decorating items and services. Art galleries and decorative arts shops will increase the visual appeal of storefront windows and add to the pedestrian experience in Downtown.

5. Specialty Retail Uses

Niche markets will continue to allow for diverse and interesting additions to Downtown - especially those small businesses started by local residents with an interest in and passion for unique goods and a willingness to become active retailers. The feasibility of an "international walk of shops" that offers imported items from countries around the world should be analyzed. Such a use could develop in Downtown if determined to be feasible and desirable.

6. Professional Offices

Offices will provide additional life and vitality to Downtown as office workers provide activity on the sidewalks, and support retail shops and restaurants. Careful location of these uses, however, will be important to avoid gaps in retail and active frontages. Locations on upper floors above retail and restaurant uses, on side streets away from the Monterey Road and East Third frontages, and near Butterfield Boulevard will be most appropriate.

7. Commercial Services

Uses that serve Downtown visitors, residents, businesses, and commuters will increase the diversity of Downtown and increase the amount of time spent on each individual trip to the area. Beauty and nail salons, real estate and insurance offices, and businesses providing services to other businesses will be included. These uses are encouraged on streets other than Monterey Road and East Third Street to maximize the amount of retail along these corridors. Conversion of existing homes or new construction of small buildings on the side streets offer opportunities for these uses.

8. Residential Apartments and For-Sale Housing

Residents in and adjacent to Downtown will assist in extending the hours of activity in the area while providing important support for Downtown businesses and restaurants. Housing types that are appropriate to a location near a commuter rail station will be emphasized while low density housing projects that are similar to those in other areas of the community will not be allowed Downtown.

9. Grocery Market

A grocery store should be developed in or near Downtown to serve residents of Downtown and the surrounding neighborhoods. Smaller specialty food, wine, produce, bakery and deli goods are desired and anticipated to locate throughout Downtown. The grocery store and specialty shops are not expected to be in direct competition with one another.

10. Non-Retail Uses (e.g., Banks)

The Redevelopment Agency and Morgan Hill Downtown Association should work with banks and other non-retail uses on key sites within the Downtown Core along Monterey Road and Third Street, to either relocate to areas not zoned CBD, or to temporarily relocate the uses until the sites are intensified with more intensive mixed-use projects, when the uses would return to the sites.

In particular, the property owners, business owners and Morgan Hill Redevelopment Agency are strongly encouraged to pursue as priority projects the redevelopment of the two existing banks at the southwest and southeast corners of Main Avenue and Monterey Road, in a manner that

would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

11. Mixed Use Opportunities outside Specific Plan Area

- The Britton School field south of the auditorium, located west of Monterey Road and between West Central and Keystone Avenues (Block 19), is currently designated as Public Facilities. This area should be reclassified to Mixed Use / CC-R to accommodate mixed-use development with a mix of office and residential uses (Block 19).
- Concurrent with adoption of this Specific Plan, the site of the existing shopping center at the southwest corner of Monterey Road and Dunne Avenue (Block 20), should be reclassified to Mixed Use/CC-R east of the creek easement and Medium Density Residential/D-R3 west of the easement (with a Commercial Use Overlay). This area should include a mix of residential and commercial uses with mixed-use or commercial uses on the east portion of site and residential uses on the west portion on the site. This site may offer an opportunity for a larger “national retailer” type of tenant, with from 15,000 to 20,000 square feet of ground floor space.

Note: For the purpose of this Specific Plan, the term “retail use” includes restaurants, entertainment uses, food and grocery stores, retail uses, home furnishings, and other uses determined to be “retail” in nature, as opposed to offices, personal services and the like.

Retail Real Estate Overview

Downtown offers a quaint, pedestrian-friendly environment, and acts as the central hub of activity in Morgan Hill. Its close proximity to the train station and bus transit facilities provide direct access for residents and visitors. There is significant interest among municipal and local property owners to transform Downtown into a more successful vibrant environment. In addition, there is interest in increasing Downtown residential, commercial and retail densities. Historically, Downtown has had a successful schedule of annual events including the Mushroom Mardi Gras, Taste of Morgan Hill, Fourth of July celebration, and Summer Music Series. Additionally, the new courthouse is anticipated to increase the daytime business population, generating employees and visitors to the area.

Types of Retail

The amount of “supportable” retail is directly proportional to the size of the trade area and the amount of other retail in the trade area. Supportable retail can also vary based on geography, competition, success of existing retail, proximity to customer traffic generators; and it can expand or contract based on the combination of these factors.

The size of a retail facility determines whether it is a destination or convenience use. Larger format stores present depth and breadth of a wider range of merchandise, which allows them to be more destination uses. Smaller format stores are limited in what products or services they can offer, thus they are more convenience uses. Typically, destination uses are anchor business, which attract people to an area. Convenience uses are supported by customers of the destination uses and by nearby business and residents.

Types of Customers

There are three groups of retail customers, each having distinct hours for shopping and dining:

- **Local Residents:** If employed outside the area, local residents will shop or dine in the late afternoon through the evening, and on weekends. Others will shop or dine from 11:00 a.m. to 5:00 p.m. or later
- **Daytime Business Population**
Employees: This group of people will dine from 11:00 a.m. to 2:00 p.m., and shop and/or dine after 5:00 p.m. on weekdays. Most will not return on weekends.
- **Visitors:** Visitors will shop and/or dine from 11:00 a.m. to 8:00 or 9:00 p.m. every day, but because they have time to invest in shopping, they are more willing to travel to other competing shopping destinations.

Site Selection

The key factor for a retailer’s assessment of a location is the sales potential. In the retail business, location is directly linked to sales and profitability. Sales potential determines whether to invest money and “people capital” in that particular location relative to other opportunities.

Selecting a potentially profitable location is dependent on several factors, including:

- complementary retail uses;
- pedestrian access;
- easy parking access;
- demographics of the trade area;
- cost of the leasable space; and
- historical sales performance.

Transitional/Temporary Uses

Until there is a strong market demand for retail in Downtown, property owners might find it difficult to find retail tenants. Property owners should design ground-floor spaces to accommodate retail uses (i.e. building depth, outdoor eating areas, and ground-floor ceiling height) and should actively search for retail tenants. Once there is a stronger demand for retail, interim uses such as office uses can transition out while retail uses take over the spaces.

Challenges to Retail

The most significant challenge with improving Downtown is attracting a strong retail and entertainment base. Currently, there is not enough residential critical mass in and around Downtown to support a dramatic increase in retail and service uses. Regional retail competition also poses challenges. Many residents shop at regional competition retail centers including Valley Fair, Oakridge, Gilroy Premium Outlets, Gilroy Crossing and Cochrane Commons. Currently, there is limited regional draw to downtown, mostly due to the lack of retail critical mass of destination uses.

Additionally, as the Downtown Core increases its retail square footage, creation of enough parking becomes necessary. Other challenges include the lack of a daytime business population and the lack of consistent hours of operation by retail and restaurant owners. It is a combination of factors that will attract a retail base, residential uses, entertainment destination uses, and additional office space. This plan seeks to create a critical mass by increasing residential densities, working with or modifying the RDCS to ensure accommodation of Downtown development, and ensuring construction of appropriately designed commercial space.

2015 and 2030 Development Projections

Redevelopment within Downtown Morgan Hill is expected to occur gradually over time. Major factors affecting the pace of development include:

- how RDCS applies to Downtown;
- the amount and type of public investment in Downtown;
- the success of initial Downtown redevelopment projects; and
- the risk levels Downtown property owners are willing to accept.

Overall, Downtown is expected to be a vibrant, mixed-use and pedestrian-friendly environment with an average of three story heights especially along Monterey Road and East Third Street. Larger sites of about one-half acre in size will be able to develop with up to four stories.

The City's Redevelopment Agency has completed various improvements throughout the Downtown area, including the construction of bulbouts at several intersections and infrastructure improvements along Depot Street, including street trees, lighting, and wide sidewalks. The Redevelopment Agency is investing up to \$40 million on additional improvements and projects throughout Downtown. These improvements will greatly affect the timing of future private development projects.

Properties such as the Sunsweet site and the Downtown Mall site have received residential allotments for mixed-use projects. Other property owners may look to the success of these projects before moving forward with projects of their own. These property owners will need to closely evaluate the risk associated with redevelopment. If this risk is beyond their comfort level, they may choose not to redevelop or the Redevelopment Agency will have to provide assistance as a public/private partnership project.

With these and other factors in mind, City Staff, RBF Consulting, Johnston Real Estate Services, and DKS Associates projected the sites most likely to redevelop by 2015 and 2030. The purpose of the projection was to guide development and phasing assumptions in the Master Environmental Impact Report (EIR) and traffic analysis, and to guide development of the Parking Resources Management Strategy (see Chapter 4 for a summary). The sites projected to redevelop by 2015 were selected based on communications with property owners and an assessment of the existing built conditions. Likewise, the development projected to occur between 2015 and 2030 is based on present and expected market conditions and an understanding of parking and retail needs in the Downtown area.

The sites selected for the 2015 Development Projection generally have residential allotments through the Residential Development Control System (RDCS) and have property owners or developers who are actively evaluating and preparing development plans. For the purpose of defining a first phase, this Specific Plan assumes that Blocks 1, 2, 3, 4, 7, portions of 13 and 14, 15, 17, and 18 would redevelop by 2015 (see Figure 3 or 6 for block numbers). Block 20 (outside of the Specific Plan boundary) was initially projected to redevelop by 2015, but due to 2008/2009 Recession conditions, it was determined that the Master EIR Traffic Study would assume continued commercial use of the block, in order to present “worst case” traffic conditions. The previously projected 82 new residential units for this block were shifted for the purpose of the Traffic Study to Block 16, the Caltrain parking lot site. However, redevelopment of Block 20 in the manner proposed by the Specific Plan, to Multi-family Medium/R-3 west of the SCVWD ROW and Mixed Use/CC-R east of the ROW remains a land use goal for Block 20. A “Commercial Use Overlay” has been added to the Multi-Family Medium parcels, to allow for use of a Commercial Administrative Use Permit Process for Block 20,

so that commercial use could continue to occur in the interim before redevelopment of the block is feasible. Property owners are encouraged to work with the City/Redevelopment Agency to develop and carry out a strategy for redevelopment of the west portion to residential use.

It must be emphasized that the phasing assumptions are not intended to and will not be interpreted to act as a geographic or numeric constraint to the location, level and/or timing of development. Under this adopted Specific Plan, other blocks, or portions of blocks, may redevelop first. The overall level and location of actual development will be monitored by the City to ensure that land use regulations, parking management activities, and environmental (CEQA) compliance is appropriate to actual conditions over time.

Also, the projections do not represent the maximum buildout potential of all sites or of all of Downtown, which is determined by the maximum development permitted by the Zoning Ordinance, and future development applications submitted by property owners may propose different types or densities of development. Again, actual development will be monitored, with future actions taken as necessary, for consistency and appropriate regulatory and CEQA compliance.

The projections intend to present a reality-based “likely redevelopment scenario” for 2015 and 2030, for the purpose of focusing policies, programs and activities. The Master EIR and Parking Resources Management Strategy will use these projections instead of the “maximum buildout” in order to realistically assess the future of Downtown. Using the maximum potential development approach would likely result in providing excessive parking or requiring unnecessary mitigations. It is intended that the Master EIR provide environmental clearance to the projected realistic 2030 level of development, and if future projects exceed that level, a future CEQA document will be needed.

Figure 6 shows the Ground Floor Overlay (GFO), which **requires** ground-floor retail uses along portions of Monterey Road and Third Street. See the Ground Floor Overlay (GFO) discussion in the Zoning Districts section below for minimum ground-floor retail building depths and floor to ceiling heights required by the GFO.

Figure 7 shows areas **encouraged** to include ground-floor retail uses and the recommended ground-floor retail building depths for these locations. These recommendations are based on an analysis prepared by Johnston Real Estate Services and discussions with City Staff, RBF Consulting, and Downtown business and property owners.

Overall Assumptions

Currently the Downtown Core (Blocks 1-14) has approximately 123,000 square feet of retail, 122,000 square feet of office, 1,500 square feet of industrial, 53,000 square feet of public facilities, and 190 residential units (City of Morgan Hill data, 2007).

Future projections for Downtown are described below and are shown in the tables on the following pages.

Future projections were calculated based on total development by 2015 and total development by 2030 (which includes the development included in the 2015 projections).

These projections are then classified as “net new” and “total” development. Net new development represents the amount of new development less any existing development that will be replaced. For example, if a site with a 1,000 square foot building is to be redeveloped with a project with a 5,000 square foot building, this would represent a net new development of 4,000 square feet (5,000 new square feet minus 1,000 existing square feet to be redeveloped). Total development represents the net new development plus additional existing development. For example, if the above 4,000

net new square feet is developed in an area with 10,000 additional existing square feet, the total development would be 14,000 total square feet (4,000 net new square feet plus 10,000 additional existing square feet).

The future projections were further classified into three boundaries to better assess the future of Downtown development and to provide more specific information for related reports, such as the Parking Resources Management Strategy and the Master Environmental Impact Report (EIR). These three boundaries are the Downtown Core boundary (Blocks 1-14), the Specific Plan boundary (Blocks 1-18), and the Specific Plan boundary with Blocks 19 and 20 (Blocks 1-20).

The 2015 residential development projections assume the existing residential development control system (RDCS) of 255 units within Blocks 1-20 (allocations awarded by March 2006), an additional 100 residential units provided by Measure F (November 2006 ballot measure), and 495 of the 500 exempt housing units provided by the May 2009 ballot measure approved by the voters, for a total of 850 units.

These projections serve to identify the potential change in development for the CEQA analysis, Parking Resources Management Strategy, traffic analysis, and other relevant studies and analyses.

Refer to Appendix C (Development Projections by Block) for a more detailed table summarizing the development projections and assumptions by block.



Ground Floor Retail Overlay

Figure 6



Figure 7

CHAPTER 2: LAND USES AND DEVELOPMENT STANDARDS

City of Morgan Hill Downtown Specific Plan 2030 Development Summary - Blocks 1-14 (Downtown Core)

Land Use	Existing Development ¹	Development by 2015		Development by 2030	
		Net New	Total	Net New	Total
Retail	123,365 Sq Ft	94,221 Sq Ft	217,586 Sq Ft	166,490 Sq Ft	289,855 Sq Ft
Residential	193 DU	546 DU	739 DU	681 DU	874 DU
Office/Service	122,248 Sq Ft	30,157 Sq Ft	152,405 Sq Ft	60,591 Sq Ft	182,839 Sq Ft

¹ Blocks 1-14 excluding public facilities (including schools, Community and Cultural Center, churches, social halls) and industrial

Assumptions

Existing Retail Development to be Replaced by Projected Redevelopment

16,800 sq ft	from the existing Downtown Mall at Monterey Road and First Street (Block 2)
20,050 sq ft	from the existing bookstore building along Depot Street (Block 3)
2,050 sq ft	from the existing liquor store at Monterey Road and Third Street (Block 4)

total 38,900 sq ft

City of Morgan Hill Downtown Specific Plan 2030 Development Summary - Blocks 1-18 (Downtown Specific Plan Boundary)

Land Use	Existing Development ¹	Development by 2015		Development by 2030	
		Net New	Total	Net New	Total
Retail	123,365 Sq Ft	94,221 Sq Ft	217,586 Sq Ft	166,490 Sq Ft	289,855 Sq Ft
Residential	193 DU	760 DU	953 DU	1,081 DU	1,274 DU
Office/Service	122,248 Sq Ft	30,157 Sq Ft	152,405 Sq Ft	60,591 Sq Ft	182,839 Sq Ft

¹ Blocks 1-18 excluding public facilities (including schools, Community and Cultural Center, churches, social halls) and industrial

Assumptions

Existing Retail Development to be Replaced by Projected Redevelopment

16,800 sq ft	from the existing Downtown Mall at Monterey Road and First Street (Block 2)
20,050 sq ft	from the existing bookstore building along Depot Street (Block 3)
2,050 sq ft	from the existing liquor store at Monterey Road and Third Street (Block 4)

total 38,900 sq ft

City of Morgan Hill Downtown Specific Plan 2030 Development Summary - Blocks 1-20 (Downtown Specific Plan Boundary and Blocks 19-20)

Land Use	Existing Development ¹	Development by 2015		Development by 2030	
		Net New	Total	Net New	Total
Retail	213,365 Sq Ft	21,221 Sq Ft	234,586 Sq Ft	93,490 Sq Ft	306,855 Sq Ft
Residential	201 DU	850 DU	1,051 DU	1,190 DU	1,393 DU ²
Office/Service	122,248 Sq Ft	30,157 Sq Ft	152,405 Sq Ft	85,591 Sq Ft	207,839 Sq Ft

¹ Blocks 1-20 excluding public facilities (including schools, Community and Cultural Center, churches, social halls) and industrial

² Includes an additional 10 dwelling units to account for the increase in density for the CC-R zoning district

Assumptions

Existing Retail Development to be Replaced by Projected Redevelopment

16,800 sq ft	from the existing Downtown Mall at Monterey Road and First Street (Block 2)
20,050 sq ft	from the existing bookstore building along Depot Street (Block 3)
2,050 sq ft	from the existing liquor store at Monterey Road and Third Street (Block 4)
90,000 sq ft	from the existing shopping center at Monterey Road and Dunne Avenue (Block 20)

total 128,900 sq ft

Assumptions by Block

Each block in Downtown has a distinct character and potential for redevelopment based on the land use, zoning, and proximity to Monterey Road and East Third Street. Refer to Figure 6 for the required minimum retail depths for properties within the Ground Floor Overlay (GFO) district and Figure 7 for encouraged ground-floor retail locations and **recommended** building depths.

Development assumptions by block include:

- **Block 1:** This block has a CBD Mixed Use (General Plan) and CBD (Zoning Ordinance) designation. The projected redevelopment occurs primarily along Monterey Road and includes ground-floor retail uses with offices or residential on the upper floor(s). The required minimum depth of ground-floor retail is 60 feet along Monterey Road and 80 feet at each intersection with Monterey Road (therefore a minimum of 80 feet by 80 feet and a minimum of 6,400 square feet). This block contains an existing bank located at the southeast corner of Main Avenue and Monterey Road. The property owner and the Redevelopment Agency are encouraged to work together to redevelop the site in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment, better accommodate left turns from Monterey, and improve the Main/Monterey intersection.
- **Block 2:** This block has a CBD Mixed Use (General Plan) and CBD (Zoning Ordinance) designation. The projected redevelopment occurs primarily along Monterey Road and includes ground-floor retail uses with offices or residential on the upper floor(s). Redevelopment of this block may incorporate a remodeled or new Granada Theater for a cinema or entertainment use, however the Specific Plan does not require this, and a cinema on an alternate downtown site is acceptable. Under any scenario, however, it is a goal of the Specific Plan that the existing Granada upright sign and marquee be retained in the downtown, associated with a cinema or entertainment use. The projected redevelopment offers the potential for a parking structure internal to the block or underground parking. The required minimum depth of ground-floor retail is 60 feet along Monterey Road and 80 feet at each intersection with Monterey Road (therefore a minimum of 80 feet by 80 feet and a minimum of 6,400 square feet). Retail spaces along East First and Second Streets are strongly encouraged with depths between 80 and 120 feet.
- **Block 3:** This block has a CBD Mixed Use (General Plan) and CBD (Zoning Ordinance) designation. The projected redevelopment occurs primarily along Third Street and includes ground-floor retail uses with offices or condominiums/apartments on the upper floor(s). Restaurants with outdoor dining areas and specialty shops are encouraged along Third Street. Property owners of smaller parcels are encouraged to combine lots and take advantage of the higher floor-area ratio (2.25 FAR for sites of 22,000 square feet or more, rather than the base 2.0 FAR for sites less than 22,000 square feet). Four story heights may be proposed on sites of 22,000 square feet or more, with a fourth floor stepback. Development on this block should act as a landmark for Downtown and should be more intense than development along adjacent streets. Large projected redevelopment sites offer the potential for underground parking. The required minimum depth of ground-floor retail is 60 feet along Monterey Road and Third Street, and 80 feet at each intersection with Monterey Road and Depot Street (therefore a minimum of 80 feet by 80 feet and a minimum of 6,400 square feet). Retail spaces along East Second Street are strongly encouraged with depths between 80 and 120 feet. Relocation of the Granada Theater

sign and marquee to the Monterey Road frontage of this block would be a suitable redevelopment project, for a new cinema or entertainment use if the existing Granada Theater site is used for other purposes.

- **Block 4:** This block has a CBD Mixed Use (General Plan) and CBD (Zoning Ordinance) designation. The projected redevelopment occurs primarily on the parcels generally referred to as the “Sunsweet Site” and includes ground-floor retail uses with offices or condominiums/apartments on the upper floor(s). Restaurants with outdoor dining areas and specialty shops are encouraged along Third Street. Property owners of smaller parcels are encouraged to combine lots and take advantage of the higher floor-area ratio (2.25 FAR for sites of 22,000 square feet or more, rather than the base 2.0 FAR for sites less than 22,000 square feet). Four story heights may be proposed on sites of 22,000 square feet or more, with a fourth floor stepback. Development on this block should act as a landmark for Downtown and should be more intense than development along adjacent streets. Large projected redevelopment sites offer the potential for underground parking. The required minimum depth of ground-floor retail is 60 feet along Monterey Road and Third Street, and 80 feet at each intersection with Monterey Road (therefore a minimum of 80 feet by 80 feet and a minimum of 6,400 square feet).
- **Block 5:** This block has a CBD Mixed Use (General Plan) and CBD (Zoning Ordinance) designation. This block is not within the Ground Floor Retail Overlay (GFO) zoning district. Should ground-floor retail uses develop, the recommended minimum depth of such uses is between 50 and 80 feet along Monterey Road and at the intersection of Monterey Road and Fourth Street.
- **Block 6:** This block has a CBD Mixed Use and Public Facilities (General Plan) and D-PF and CBD (Zoning Ordinance) designation. This block is not within the GFO district. No redevelopment of existing buildings is assumed; however redevelopment may occur on the existing residential properties. This Plan projections for this block assumed the retention of the existing Community and Cultural Center (CCC), Gavilan Collage building, and outdoor amphitheater. The site offers the potential for structured parking on the existing CCC surface parking lot to increase the public parking supply and the parking could be a designated parking area for Downtown employees. The Specific Plan identifies a preferred future project consisting of re-routing Depot Street through the CCC parking lot, in order to create an intersection with Church Street at the signal. This allows Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project (undercrossing of RR tracks) occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan uses.
- **Block 7:** This block has a CBD Mixed Use (General Plan) and CBD (Zoning Ordinance) designation. This block is not within the GFO district. The site offers the potential for structured parking on the existing surface parking lot to increase the parking supply. Long-term and visitor secured bicycle parking facilities are encouraged within the parking area.
- **Block 8:** This block has a CBD Mixed Use (General Plan) and CBD (Zoning Ordinance) designation. This block is not within the GFO district. The site offers the potential for surface or structured parking to increase the parking supply.

- **Block 9:** This block has a CBD Mixed Use (General Plan) and CBD (Zoning Ordinance) designation. The required minimum depth of ground-floor retail is 60 feet along Monterey Road and 80 feet at each intersection with Monterey Road (therefore a minimum of 80 feet by 80 feet and a minimum of 6,400 square feet). The bank parcel offers an opportunity for redevelopment with a mixed-use project. The property owners and the Redevelopment Agency are encouraged to work together to redevelop the office building site and/or the existing bank site at the southwest corner of Main/Monterey in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment and improve the Main/Monterey intersection. It is also desirable on this block to pursue a continuous parking lot from Main Avenue through to First Street, behind the Monterey frontage buildings.
- **Block 10:** This block has a CBD Mixed Use and Multi-Family Low (General Plan) and CBD, R2, and RPD (Zoning Ordinance) designation. The required minimum depth of ground-floor retail is 60 feet along Monterey Road and 80 feet at each intersection with Monterey Road (therefore a minimum of 80 feet by 80 feet and a minimum of 6,400 square feet).
- **Block 11:** This block has a CBD Mixed Use and Multi-Family Low (General Plan) and CBD and R2 (Zoning Ordinance) designation. The required minimum depth of ground-floor retail is 60 feet along Monterey Road and 80 feet at each intersection with Monterey Road (therefore a minimum of 80 feet by 80 feet and a minimum of 6,400 square feet). Retail spaces along West First and Second Streets are strongly encouraged with depths between 80 and 120 feet. The City-owned parcel at Upper Llagas Creek is planned for a passive park with a creek interpretive element, which would link to a pedestrian/bicycle pathway to Del Monte Avenue. As stated above in the Actions section, the existing shopping center at the intersection of Del Monte Avenue and West Second Street is assumed to be retained. If feasible and desirable, this site could redevelop with a mixed use or residential project.
- **Block 12:** This block has a CBD Mixed Use, Multi-Family Low, and Residential Estate (General Plan) and CBD, R2, and RE (Zoning Ordinance) designation. This block contains the “Nob Hill” geographic feature, which has the large-lot residential designation given the hillside topography. The required minimum depth of ground-floor retail is 60 feet along Monterey Road and 80 feet at each intersection with Monterey Road (therefore a minimum of 80 feet by 80 feet and a minimum of 6,400 square feet). The site offers the potential for a restaurant development oriented toward the Upper Llagas Creek corridor. The RDA parcel could serve as a passive park.

- **Block 13:** This block has a CBD Mixed Use, Multi-Family Medium, and Residential Estate (General Plan) and CBD, D-R3, and RE (Zoning Ordinance) designation. This block is not within the GFO district. The projected redevelopment assumes the existing multi-family low (R2) designation is increased to multi-family medium (R3) to a density of up to 21 dwelling units per acre. The site offers the potential for a restaurant development oriented toward the Upper Llagas Creek corridor.
- **Block 14:** This block has a CBD Mixed Use and Multi-Family Medium (General Plan) and CBD and D-R3 (Zoning Ordinance) designation. This block is not within the GFO district. The projected redevelopment assumes the existing multi-family low (R2) designation is increased to Downtown multi-family medium (D-R3) to a density of up to 21 dwelling units per acre. Redevelopment of the site offers the potential for residential uses and approximately 30,000 square feet of offices.
- **Block 15:** This block has a Multi-Family High (General Plan) and D-R4 (Zoning Ordinance) designation. This block is not within the GFO district. The projected redevelopment includes development of an approved housing project with 134 dwelling units (99 of which have RDCS allotments). The Redevelopment Agency is providing assistance so that the existing concrete batch plant will be relocated from this site to a more suitable site outside of the Downtown area.
- **Block 16:** This block has a CBD Mixed Use (General Plan) and CBD Central Business District (zoning), with no maximum density. Redevelopment of the surface parking lot offers the potential for a transit-oriented development with high density residential units. Offices could also be appropriate in a mixed use project. Redevelopment of this block assumes the retention of the Caltrain parking spaces, but the spaces may be provided in a structure on the site or nearby. The level of projected development assumed in the EIR Traffic Study included 268 residential housing units and the parking spaces. If other uses beyond residential and parking are considered for this block, offices would be appropriate, and perhaps some minor or ancillary commercial services, however retail uses are prohibited on this block, in order to support the Specific Plan goal that retail uses locate within the 14-block Downtown Core. It would be appropriate to develop this block with land use intensity, and four story heights are allowed on this block, subject to Design Review.
- **Block 17:** This block has a Public Facility (General Plan) and D-PF (Zoning Ordinance) designation. This block is not within the GFO district. This block is the site of the South County Courthouse, which opened in April 2009. This block is also the site of a planned fire station and a pedestrian plaza connection offering an at-grade pedestrian/bike connection across the railroad tracks to East Third Street.
- **Block 18:** This block is planned for a mix of uses. The existing parcels with frontage on Butterfield Boulevard are proposed for a General Plan change from “Mixed Use” to “Office Industrial” and a zoning change from “PUD” to “CO - Administrative Office”. The parcel containing the existing Mama Mia’s restaurant would remain designated Mixed Use, with a CC-R zoning. The parcels on the remainder of the block are proposed for a General Plan change from “Mixed Use” to “Multi-Family Medium” and a zoning change from “PUD” to “D-R3 Downtown Medium Density Residential/PUD”, and this portion of the block has 80 residential allocations in place.

- **Block 19:** This block is outside of the Specific Plan boundary, but is recommended for land use designation changes concurrent with adoption of this Specific Plan. This block has a Mixed Use (General Plan) and CC-R (Zoning Ordinance) designation. This block is not within the GFO district. The projected redevelopment offers the potential for a mixed-use development with 27 dwelling units and 25,000 square feet of office uses fronting Monterey Road, south of the existing school auditorium.
- **Block 20:** This block is outside of the Specific Plan boundary, but is recommended for land use designation changes concurrent with adoption of this Specific Plan. This block has a Mixed Use and Multi-Family Medium (General Plan) and CC-R and R3 (Zoning Ordinance) designation with a Commercial Use Overlay on the R-3 portion. This block is not within the GFO district. The projected redevelopment offers the potential for mixed use development east of the creek easement and medium density residential units west of the creek easement, to total approximately 90 dwelling units and 17,000 square feet of ground-floor retail uses on the block. However, due to 2008/2009 Recession conditions, it was determined that the Master EIR Traffic Study would assume continued commercial use of the block, in order to present “worst case” traffic conditions. The previously projected 82 new residential units for this block were shifted for the purpose of the Traffic Study to Block 16, the Caltrain parking lot site. The goal of the Plan for the westerly portion of the block is for multi-family medium use, but a Commercial Use Overlay District will allow for a Commercial Administrative Use Permit Process for at least 5 years so that commercial use can continue to occur in the interim before redevelopment of the block is feasible.

Ground Floor Overlay District and Downtown Administrative Use Permit

To enhance the pedestrian character of Downtown and assist in guiding the location of businesses in support of Downtown’s vision, ground floor spaces along portions of Monterey Road and Third Street within the Downtown Ground Floor Overlay District (GFO) will be restricted to retail shops, restaurant and entertainment uses, and certain service commercial businesses that are determined to support a continuity of display window visual interest. These businesses could include florists, dry cleaners, and similar uses that serve the community and commuters on a daily or weekly basis. Recently constructed buildings that are clearly designed for office uses and civic buildings are not included in the GFO (assessor parcel numbers 767-07-027, -028, and -029). See Figure 6 for the location of the GFO.

The Downtown Administrative Use Permit (DAUP) allows for commercial, professional and medical office uses, and personal services uses to locate in first floor locations on parcels located within the GFO district if the retail market is not yet sufficiently strong to accommodate a retail use within the space. Ground floor personal service uses may be allowed within a tenant space if the use is ancillary to a retail use occupying the same space and will provide continuity of display window visual interest that includes the retail component.

Affordable Housing

The City's regulations exempt residential development within the Specific Plan boundary from providing deed-restricted affordable housing for rental or for-sale housing. Projected residential development is anticipated to include mixed-use developments and smaller unit sizes than the City as a whole and, therefore, the units would "naturally" be more affordable than development outside of Downtown. Rental units also add to the overall supply of affordable housing, which would be provided by apartments and other rental housing units.

Residential Development Control System (RDCS)

Morgan Hill voters approved a ballot measure in May 2009 to exempt 500 residential units from the RDCS process within the Downtown area (Blocks 1 – 20), within the city's current RDCS population cap of 48,000 persons in the year 2020. The 500 units represents an average of 45 units per year. Under the exemption, residential and mixed use development in Downtown that are consistent with the Specific Plan will need to secure a Design Permit, Development, Agreement, and Building Permit, with some uses also requiring a Conditional Use Permit or DAUP. If a project proposes a change to the Specific Plan development standards, a Planned Development zoning designation would be required, but the residential units would still be exempt from the RDCS.

Zoning Districts

The following sections serve as the land use and certain parking zoning regulations and standards for this Specific Plan. The regulations and standards in these sections supersede those in the Morgan Hill Zoning Ordinance (Zoning Ordinance) for properties within the Specific Plan area boundary. Zoning districts in this area include:

- CBD Central Business District (no minimum, no maximum density)
- Ground Floor Overlay (GFO)
- RE Residential Estate (0-1 du/ac)
- D-R2 Downtown Medium-Density Residential (5-14 du/ac)
- D-R3 Downtown Medium-Density Residential (14-21 du/ac)
- D-R4 Downtown High-Density Residential (21-40 du/ac)
- D-PF Downtown Public Facilities
- PD Planned Development

Sites designated as CC-R or CO zoning districts shall use the standards provided in the Zoning Ordinance and Municipal Code.

Figure 8 lists the permitted, conditionally permitted, permitted by Downtown Administrative Use Permit, and not permitted uses for the above zoning districts (excluding Planned Development).

Other Morgan Hill Zoning Ordinance and Municipal Code provisions, where not in conflict with the standards within this Specific Plan, continue to apply. Examples include, but are not limited to, Flood Damage Prevention Overlay District (Chapter 18.42), Design Permit (Chapter 18.74), Historic and Archaeological Resources (Chapter 18.75), Water-Conserving Landscape (Chapter 18.73), Significant Tree (Chapter 12.32), and Parking Ordinance (Chapter 18.50) provisions not in conflict with this Plan.

Morgan Hill Downtown Specific Plan

Permitted Uses

Figure 8 below lists uses that are permitted (P), conditionally permitted (C), conditionally permitted with a Downtown Administrative Use Permit (A), and not permitted (N).

Figure 8

Permitted Uses (within the Specific Plan Boundary)

Use (Block 16 is subject to special use restrictions. Uses with an N in the column after the CBD column means that retail or commercial use is prohibited on Block 16)	CBD	CBD Block 16	GFO	D-PF	R2 D-R3 D-R4	RE
Commercial/Service/Retail Uses						
Antique shop, vintage clothing and collectibles	P	N	P	N	N	N
Arts and crafts gallery	P	N	P	N	N	N
Bed and Breakfast Lodging	C	N	N	N	C	C
Commercial recreation (3,000 sq. ft. or less)		P	C	C	N	N
Commercial recreation (greater than 3,000 sq. ft.)		C	C	C	N	N
Commercial service		P	A	N	N	N
Convenience market/store	C	N	C	N	N	N
Dry cleaner, shoe repair	P	N	C	N	N	N
Family day care, small		C	N	N	P	P
Financial services, bank		P	C	N	N	N
Food service, takeout	P	N	P	N	N	N
Hotel	C	N	C	N	N	N
Nightclub and bar (ancillary to a restaurant)	C	N	C	N	N	N
Nightclub, bar, theater (not ancillary to a restaurant)	C	N	C	N	N	N
Nursery school/large family day care facility		C	N	C	C	C
Personal services		P	A	N	N	N
Public/quasi-public building (education, cultural, or public-service)		C	A	P	C	C
Public Parking Lots or Structures		P	C	P	C	N
Restaurant (beer & wine permitted; bars conditionally permitted)	P	N	P	N	N	N
Retail store	P	N	P	N	N	N
School, general educational	C	N	N	C	N	N
Social hall, lodge, fraternal organization, community club, religious facilities	C	N	N	C	C	C
Specialty food market	P	N	P	N	N	N
Theater	C	N	C	N	N	N
Residential Uses						
Duplex, triplex		C	N	N	P	N
Congregate care for the elderly/assisted living facility (>6)		N	N	C	C	N
Home occupations (in accordance with Chapter 18.04.225: Home Occupations, of the Zoning Ordinance)		P	C	N	P	P
Live/work unit		P	C	N	N	N
Mixed use residential (residential use above some other use)		P	P	N	N	N
Multi-family dwelling		C	C	N	P	N
Nursing/convalescent hospital		N	N	C	C	N
Residential congregate care facility - large (>6)		N	N	C	C	N
Residential congregate care facility - small (≤6)		N	N	N	P	P
Single-family attached dwelling		C	N	N	P	P
Single-family detached dwelling		C	N	N	P	P

Figure 8 (Continued)

Permitted Uses (within the Specific Plan Boundary)

Use (Block 16 is subject to special use restrictions. Uses with an N in the column after the CBD column means that retail or commercial use is prohibited on Block 16)	CBD	CBD Block 16	GFO	D-PF	R2 D-R3 D-R4	RE
Office/Professional Uses						
Business, trade or tutoring school	P		A	C	N	N
Business support services	P		A	N	N	N
Hospital	P		N	N	N	N
Medical office	P		N	N	N	N
Office, administrative	P		A	C	N	N
Professional office	P		A	C	N	N
Other Uses						
Drive-in establishments	C		N	N	N	N
Public Parking Lots or Structures	P		C	P	C	N
Other uses similar to permitted or conditionally permitted uses as determined by the Planning Commission to be permitted	C		C	C	C	C

Requirement for Air Quality and Transportation Demand Management Plan (AQ-TDM Plan)

As part of the Design Permit process, all projects subject to the Design Review requirements shall submit a proposed Air Quality and Transportation Demand Management Plan (AQ-TDM Plan) for review and action by the Community Development Director. The AQ-TDM Plan will incorporate appropriate measures at appropriate locations as determined through the design permit process, such as the following, to reduce air quality impacts:

- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas.
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities.
- Allow only natural gas fireplaces. No wood burning devices would be allowed.
- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.

- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- Provide showers and lockers for employees bicycling or walking to work.
- Provide transit information kiosks and bicycle parking at commercial facilities.
- Provide secure and conveniently located bicycle parking and storage for workers and patrons.

Public parking lots constructed or assisted by the City or Redevelopment Agency of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities:

- Electric vehicle charging facilities.
- Preferential parking for Low Emission Vehicles (LEVs).

Central Business District (CBD)

A large portion of Downtown along Monterey Road and to the west of the railroad tracks, as well as the VTA/RDA Block 16, is within the CBD Central Business District. Each project will be carefully reviewed to ensure compatibility with the vision and intent of this plan. The design guidelines included in this document will serve to assist city staff, the Planning Commission and/or the City Council in making consistency determinations and with design permits.

Purpose of the CBD District

The CBD designation is generally applied to parcels within the Downtown Core and over Block 16, the existing VTA/Caltrain parking lot. Figure 9, below, illustrates the development standards for the CBD zoning district.

The purposes of this district are to:

- implement the goals and objectives of the Downtown Morgan Hill Specific Plan;
- support traditional architectural styles and features, while also allowing for design creativity and use of contemporary materials in a manner found to be compatible with the Downtown vision and character;
- provide a variety and intermixture of residential, commercial, and public activities in the downtown core;
- provide additional housing stock, and conserve housing stock in residential areas west of Monterey Road; and
- increase residential and commercial densities in the Downtown Core.

Density

- No minimum; and no specified maximum

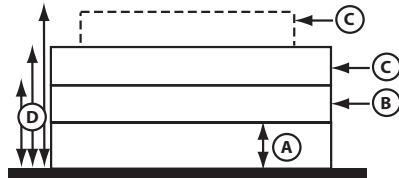
Development Standards

- Lot area: 3,500 square feet minimum
- Lot width: 40 feet minimum
- Lot depth: 80 feet minimum

- Maximum building coverage: not specified;
- Floor area ratio: 2.0 maximum or 2.25 maximum for sites of 22,000 square feet or more. FAR is the total building square footage (excluding parking areas) divided by the total site (parcel) square footage;
- Minimum number of floors: 2 stories;
- Maximum number of floors: 3 stories, except that 4 stories are allowed on sites of 22,000 square feet or more. A setback is required for buildings with 4 stories. There is no specific distance for the setback; however, the setback shall maintain a “human scale” and provide for adequate solar access to the adjacent street. The setback is subject to review and a design permit to ensure that the design provides for a human scale and adequately maintains solar access onto adjacent public sidewalks;
- Maximum building height (measured from ground to top of the roof plate):
 - Two story building: 35 feet;
 - Three story building: 45 feet; and
 - Four story building: 55 feet.
- Setbacks:
 - Front: 0 feet minimum and 10 feet maximum for commercial/office/mixed-use; and 6 feet minimum and 15 feet maximum for residential uses. Residential porches or similar structure may extend into the setback up to 5 feet;
 - Side: 0 feet minimum for commercial/office/mixed-use; and 5 feet minimum for residential uses; and
 - Rear: 0 feet minimum for commercial/office/mixed-use; and 10 feet minimum for residential uses.

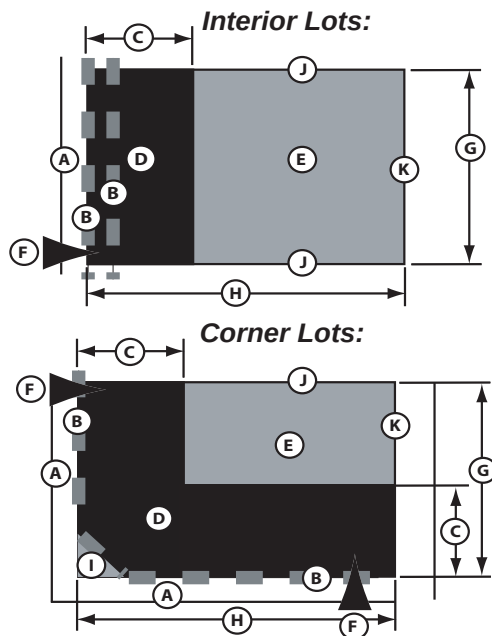
Figure 9
CBD Development Standards

Mass/Height Specifications:



- A: First Floor Ceiling Height: 14' minimum for non-residential uses.
- B: Minimum Number of Floors: 2
- C: Maximum number of Floors: 3 stories, except that 4 stories are allowed on sites of 22,000 square feet or more. A stepback is required for buildings with 4 stories. There is no specific distance for the stepback; however, the stepback shall maintain a "human scale" and provide for adequate solar access to the adjacent street. The stepback shall be subject to a design permit.
- D: Maximum building height (measured from ground to top of roof plate): 35 feet (for 2 story building), 45 feet (for 3 story building), or 55 feet (for 4 story building).
- E: Maximum Floor-Area Ratio (FAR): 2.0 for sites less than 22,000 square feet, or 2.25 for sites 22,000 square feet or greater.

Site Specifications:



- A: Sidewalk
- B: Front Building Facade: The facade shall be built anywhere within 0' to 10' (commercial/office/mixed-use) and 6' to 15' (residential) of property lines adjacent to the street. Storefronts, building entrances, and upper floor balconies may be recessed into the facade. Residential porches or similar structures may encroach into the setback by up to 5'.
- C: Building Depth: 50' (minimum) and 120' (maximum) as measured from the front building facade, unless otherwise labeled in Figure 6.
- D: Building Zone: No maximum building coverage is specified (a building may occupy up to 100% of the site). Rear areas not covered by a building may be occupied by rear yards, courtyards, plazas, parking lots, and/or loading/unloading zones
- E: Minimum Lot Area: 3,500 square feet.
- F: Access to parking and loading/unloading facilities shall include a minimum driveway width of 20'. The center line of all driveways shall be at least 30' from an intersection.
- G: Minimum Lot Width: 40'.
- H: Minimum Lot Depth: 80'.
- I: Building Corner: The setback at the building corner adjacent to the intersection may be angled, curved, or recessed if a building entrance is created at the corner.
- J: Side Setback: 0' minimum for commercial; office; and mixed-use; and 5' minimum for residential.
- K: Rear Setback: 0' minimum for commercial, office, and mixed-use; and 10' minimum for residential.

- Ground floor “floor-to-ceiling clear” height: 14 feet minimum for non-residential uses;
- Ground floor building depth: retail depth minimums as specified by Figure 6;
- The above standards are intended to ensure creation of spaces appropriate for retail and restaurant uses; such spaces may be occupied by other uses such as live/work, personal services, and offices upon issuance of a DAUP; and
- Parking:
 - Retail*: 2.8 spaces per 1,000 square feet;
 - Office*: 4.0 spaces per 1,000 square feet; and
 - Residential*:
 - 1.0 space per unit (600 or fewer square feet in unit);
 - 1.5 spaces per unit (>600 to 1,350 square feet in unit); and
 - 2.0 spaces per unit (>1,350 square feet in unit).

** Parking requirements based on all new and redeveloped square footage or dwelling units.*

- In the CBD, exceptions to parking design requirements of Chapter 18.50: Off-street Parking and Paving Standards, may be approved through the Design Permit process

Additional Required Conditions

- All development is subject to the Design Permit requirements of Zoning Ordinance Chapter 18.74: Design Review. Approval of Design Permits shall be subject to making findings that the proposed construction or alteration project is in substantial conformance with the Design and Signage Guidelines of the Downtown Specific Plan, as well as with applicable design standards and guidelines as contained in the city’s Design Review Handbook.
- Noticed Public Hearings shall be held for all projects subject to Design Permit requirements. The Community Development Director shall determine the appropriate process for consideration of Design Permits; smaller or more minor projects may be acted upon by staff, while larger and more significant projects should be referred to the Planning Commission or City Council. Any Design Permit which involves Redevelopment Agency or City-owned sites, or for which the RDA is entering into an Agreement to assist with the development, should be acted upon by the City Council, after receiving a recommendation from staff and/or the Planning Commission, as determined by the Community Development Director.

Ground Floor Overlay (GFO)

Purpose of the GFO District

- To implement the Morgan Hill Downtown Specific Plan, the downtown ground floor overlay district is intended to modify the uses allowed in the CBD district to require retail, restaurant and entertainment uses on the ground floor that support a continuity of display window visual interest. For the purposes of this chapter, “ground floor” means the first floor which is above grade. Where the GFO district is combined with the CBD district, the uses permitted or conditionally permitted within the GFO district shall apply in lieu of the uses as normally allowed in the CBD district. Except for the regulations relating to uses as set forth in this section, all other regulations shall be those of the applicable underlying CBD district.
- This district shall apply to parcels that have frontage along portions of Monterey Road and Third Street as shown on Figure 6. These parcels are required to provide ground floor retail, restaurant, and/or entertainment uses with a minimum depth of 60 feet along Monterey Road (80 feet at intersections) and 50 feet along Third Street (80 feet at intersections).

Permitted Uses

See Figure 8 for permitted uses.

Conditional Uses

See Figure 8 for conditionally permitted uses.

Downtown Administrative Use Permits (DAUPs)

Purpose of the Downtown Administrative Use Permit

The purpose of Downtown Administrative Use Permits (DAUPs) is to allow for commercial, professional and medical office uses, live/work, and personal services uses to locate in first floor locations on parcels located in the ground floor overlay district fronting Monterey Road or Third Street, upon a determination that the retail market is not sufficiently strong to accommodate a retail use, and therefore that ground floor office, live/work, or personal service uses may be allowed. Additionally, ground floor personal service uses may be allowed within a tenant space if the use is ancillary to a retail use occupying the same space and will provide a continuity of display window visual interest that includes the retail component.

Application Contents

An application for a Downtown Administrative Use Permit (DAUP) shall be made by the property owner or agent thereof, on a form issued by the Community Development Department. An application shall be accompanied by the following information except as may be waived by the Community Development Director for proposed uses in existing structures:

- Vicinity map;
- Site plan;
- Floor plan;
- Building elevations for facades along Monterey Avenue and Third Street;
- Signing and landscape plan;
- Statement of proposed operations, including but not limited to number of employees, proposed hours of operation, and if applicable, how a personal service use relates to the retail use within the tenant space;

- Materials which demonstrate that the subject space in the building has been advertised for lease to retail tenants for at least ninety days, but the owner has been unable to locate a suitable retail tenant at market rates; and
- Other materials as required by the Community Development Department.

Application Process

- An application for a DAUP shall be filed with the Community Development Department, in a form prescribed by the Community Development Director. After an application is deemed complete by the Community Development Department, such application shall be routed to affected city departments for comments.
- The department shall notify by mail the applicant and owners of properties located within 300 feet of the proposed site of the proposed use and application for a DAUP, at least 10 days prior to the scheduled date for decision by the department, in order to receive comments. The department shall also notify the chamber of commerce, downtown association and other organizations with a known interest in Downtown.
- After the notice period has occurred and comments have been considered, the Community Development Director will take action on the DAUP. Appeals of the decision of the Community Development Department shall be filed within 10 days, and appeals shall be considered by the planning commission at a noticed public hearing. Appeals of the decision of the planning commission shall be filed within 10 days, and appeals shall be considered by the city council at a noticed public hearing. The decision of the city council shall be final.

Evaluation, Conditions and Findings

The Community Development Director or designee shall evaluate the application for consistency with the following criteria:

- The suitability of the site and building for the proposed use;
- The impact of the use on the surrounding properties, and on the GFO and CBD districts in general.
- The impact of the use on traffic circulation and planned capacity of the street system.
- The compatibility of the use and design with adjacent uses within the district and its surroundings;
- Whether the use will adversely affect the peace, health, safety, morals or welfare of persons residing or working in the vicinity of the use;
- Whether the use will impair the utility or value of property of other persons located in the vicinity of the site;
- The applicability and conformity of the use with provisions of Chapter 8.40 (Hazardous Materials Storage) of the Zoning Ordinance as existing or hereafter amended;
- Review of the building with regard to suitability of design and location to accommodate first floor retail use(s);
- Review of materials submitted by the applicant and determination that the subject space in the building has been advertised for lease to retail tenants for at least 90 days, but the owner has been unable to locate a suitable retail tenant at market rates;
- Whether the use will provide a public benefit to the city and its citizens;
- Vacancy rate for commercial buildings in the Downtown Core; and
- Whether the use is clearly ancillary to a retail use within the tenant space and will provide a continuity of display window visual that includes the retail component.

The Community Development Director may impose reasonable conditions on an approval of a DAUP. Conditions may include, but shall not be limited to, conditions requiring a review of the use at some future time or upon certain triggering event(s); conditions providing for expiration of the Administrative Use Permit at some future time or upon certain triggering event(s); conditions imposing requirements for site maintenance and/or improvements; conditions requiring a personal service to be ancillary to a retail use with the same tenant space and maintenance of display window visual interest that includes the retail component; conditions requiring installation and maintenance of landscaping, regulation of vehicular ingress and egress, traffic circulation, regulation of signs, establishment of development schedules or time limits for performance or completion, and/or any other conditions as deemed necessary by the Community Development Director.

Approval of and issuance of the DAUP shall be subject to the Community Development Director making one or more of the following findings:

- The subject space in the building has been advertised for lease to retail tenants for at least 90 days, but the owner has been unable to locate a suitable retail tenant at market rates;
- The vacancy rate for commercial space exceeds five percent in the ground floor combining district for the quarter. The Downtown Association or other entity as determined by the City may assist with vacancy rate surveys (as needed); or
- If the use is personal service, the applicant has demonstrated that the use is ancillary to a retail use within the tenant space and provides a continuity of display window visual interest.

Expiration and Extensions

- Approval of a DAUP shall be valid for three years from the date of approval.
- The approval may be extended one or more times by the Community Development Director for up to up to three years for each extension, upon the applicant requesting in writing such extension and paying the established fee. An application for an extension may be submitted no sooner than nine months before the expiration date of the previously approved DAUP. The application process, including public noticing and appeals, shall occur in accordance with Section 18.54.260 of the Zoning Ordinance. Approval of a DAUP extension shall be subject to the Community Development Director making the required findings as described in this Specific Plan. The Community Development Director may impose reasonable conditions on an approval of a DAUP as outlined in this Specific Plan. Conditions imposed on an extension may be different from the conditions imposed on the originally approved DAUP.

Residential Estate (RE)

Purpose of the RE District

Very low density residential uses are generally not included in downtown areas; however, given the presence of Nob Hill (which has steep slopes, a water tank, and other constraints), a portion of the Downtown Core is designated as RE (Residential Estate). The RE (Residential Estate) district is intended to promote and encourage a suitable environment for family life on large parcels of land or where topography precludes a smaller lot pattern (such as on Nob Hill within the Specific Plan boundary). The RE district is to be used only for suburban single-family homes, appropriate agricultural uses, and the community services and facilities appurtenant thereto.

Permitted Uses

See Figure 8 for permitted uses.

Conditional Uses

See Figure 8 for conditionally permitted uses.

Density

- 0-1 dwelling units per acre.

Development Standards

RE standards are as follows:

- Minimum lot area: 100,00 square feet;
- Minimum lot width: 150 feet;
- Minimum lot depth: 150 feet;
- Maximum building coverage: 25 percent;
- Minimum setbacks:
 - Front, 50 feet,
 - Rear, 25 feet,
 - Side, 25 feet;
- Maximum height: two and one-half stories, or 30 feet;

- Side street side yard: a side yard along the side street lot line of a corner lot shall have a width of not less than fifteen feet or one-half the required depth of the front yard, whichever is greater; and
- Parking requirements: as specified in Chapter 18.50 (Off-Street Parking and Paving Standards) of the Zoning Ordinance.

Additional Required Conditions

- All development is subject to the Design Permit requirements of Zoning Ordinance Chapter 18.74: Design Review. Approval of Design Permits shall be subject to making findings that the proposed construction or alteration project is in substantial conformance with the Design and Signage Guidelines of the Downtown Specific Plan, as well as with applicable design standards and guidelines as contained in the city's Design Review Handbook.
- No building shall be constructed within 80 feet of a ridgeline. To the extent feasible, developments near Upper Llagas Creek should follow the "Guidelines and Standards for Land Use Near Streams" (Santa Clara Valley Water District, 2006). This includes, but is not limited to, restricting development at least 20 feet from the top of bank, maintaining a 2 to 1 structural slope stability requirement, and conducting a stability analysis. All proposed structures shall be constructed outside of the 100-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 (Flood Damage Prevention) of the Zoning Ordinance.

Downtown Medium-Density Residential (R2)**Purpose of District**

The R2 district is intended to stabilize and protect the residential character of neighborhoods and to promote and encourage a suitable environment for family life. The R2 district is intended for suburban detached or attached single-family homes, and the community services appurtenant thereto.

Permitted Uses

See Figure 8 for permitted uses.

Accessory Uses

The following accessory uses are permitted in the R2 district:

- Signs, complying with the applicable regulations set forth in Chapter 18.76 (Sign Code) of the Zoning Ordinance;
- Private garage and parking areas;
- Home occupations; and
- Other accessory uses and buildings customarily appurtenant to a permitted use.

Conditional Uses

See Figure 8 for conditionally permitted uses.

Density

- 5-14 dwelling units per acre.

Development Standards

R2 standards are as follows:

- Minimum lot area: 3,400 square feet
- Minimum site area per dwelling unit: 1,500 square feet;
- Minimum lot width: 40 feet;
- Minimum lot depth: 85 feet;
- Maximum building coverage: 50 percent;

- Minimum setbacks:
 - Front, 20 feet,
 - Rear, 15 feet,
 - Side, five feet;
- Maximum height: two and one-half stories, or 30 feet; and
- Parking requirements: as specified in Chapter 18.50 (Off-Street Parking and Paving Standards) of the Zoning Ordinance.

Additional Required Conditions

The following additional conditions shall apply in an R2 district:

- All development, except a single-family home on a lot of less than 20,000 square feet, a duplex on one lot, or a single unit addition to an existing structure (unless such are “sensitive sites” per Section 18.74.060 of the Design Review Ordinance), is subject to the Design Permit requirements of Zoning Ordinance Chapter 18.74: Design Review. Approval of Design Permits shall be subject to making findings that the proposed construction or alteration project is in substantial conformance with the Design and Signage Guidelines of the Downtown Specific Plan, as well as with applicable design standards and guidelines as contained in the city’s Design Review Handbook.
- All manufactured homes are subject to Design Permit approval.

- No building shall be constructed within 80 feet of a ridgeline. To the extent feasible, developments near Upper Llagas Creek should follow the “Guidelines and Standards for Land Use Near Streams” (Santa Clara Valley Water District, 2006). This includes, but is not limited to, restricting development at least 20 feet from the top of bank, maintaining a 2 to 1 structural slope stability requirement, and conducting a stability analysis. All proposed structures shall be constructed outside of the 100-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 (Flood Damage Prevention) of the Zoning Ordinance.

Downtown Medium-Density Residential (D-R3)

The D-R3 district is intended to stabilize and protect the residential character of neighborhoods, and to promote a suitable environment for family and adult communities in a higher-density environment than other residential zoning categories would allow.

Permitted Uses

See Figure 8 for permitted uses.

Accessory Uses.

The following accessory uses are permitted in the D-R3 district:

- Signs, complying with the applicable regulations set forth in Chapter 18.76 (Sign Code) of the Zoning Ordinance;
- Private garages and parking areas;
- Home occupations;
- Other accessory uses and accessory buildings customarily appurtenant to a permitted use.

Conditional Uses

See Figure 8 for conditionally permitted uses.

Density

- 14-21 dwelling units per acre.

Development Standards

D-R3 standards are as follows:

- Minimum lot area: 3,200 square feet;
- Minimum site area per dwelling unit: 1,200 square feet;
- Minimum lot width: 40 feet;
- Minimum lot depth: 80 feet;
- Maximum building coverage: 70 percent;

- Minimum setbacks:
 - Front, 15 feet,
 - Rear, 15 feet,
 - Side, 5 feet;
- Maximum height: 3 stories, or 35 feet;
- All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of 20 feet; and
- Parking requirements as specified in Chapter 18.50 (Off-Street Parking and Paving Standards) of the Zoning Ordinance.
- No building shall be constructed within 80 feet of a ridgeline. To the extent feasible, developments near Upper Llagas Creek should follow the “Guidelines and Standards for Land Use Near Streams” (Santa Clara Valley Water District, 2006). This includes, but is not limited to, restricting development at least 20 feet from the top of bank, maintaining a 2 to 1 structural slope stability requirement, and conducting a stability analysis. All proposed structures shall be constructed outside of the 100-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 (Flood Damage Prevention) of the Zoning Ordinance.

Additional Required Conditions

- All development, except a single-family home on a lot of less than 20,000 square feet, a duplex on one lot, or a single unit addition to an existing structure (unless such are “sensitive sites” per Section 18.74.060 of the Design Review Ordinance), is subject to the Design Permit requirements of Zoning Ordinance Chapter 18.74: Design Review. Approval of Design Permits shall be subject to making findings that the proposed construction or alteration project is in substantial conformance with the Design and Signage Guidelines of the Downtown Specific Plan, as well as with applicable design standards and guidelines as contained in the city’s Design Review Handbook.
- All manufactured homes are subject to Design Permit approval.

Downtown High-Density Residential (D-R4)

The D-R4 district is intended to promote a suitable environment for family and adult communities in a higher-density environment than other residential zoning categories would allow.

Permitted Uses

See Figure 8 for permitted uses.

Accessory Uses

The following accessory uses are permitted in the D-R4 district:

- Signs, complying with the applicable regulations set forth in Chapter 18.76 (Sign Code) of the Zoning Ordinance;
- Private garages and parking areas;
- Home occupations;
- Other accessory uses and accessory buildings customarily appurtenant to a permitted use.

Conditional Uses

See Figure 8 for conditionally permitted uses.

Density

- 21-40 dwelling units per acre.

Development Standards

D-R4 standards are as follows:

- Minimum lot area: 3,000 square feet;
- Minimum site area per dwelling unit: 700 square feet.
- Minimum lot width: 40 feet;
- Minimum lot depth: 75 feet;
- Maximum building coverage: 80 percent;
- Minimum setbacks:
 - Front, 10 feet,
 - Rear, 15 feet,
 - Side, 5 feet;

- Maximum height: three stories; or 45 feet; and
- All residential development fronting on an arterial street as defined by the general plan, shall provide a minimum front yard setback of 20 feet.
- Parking*:
 - 1.0 space per unit ($\leq$ 600 square foot unit);
 - 1.5 spaces per unit (600 - 1,350 square foot unit); and
 - 2.0 spaces per unit ($\geq$ 1,350 square foot unit).

* Parking requirements based on all new and redeveloped dwelling units.

Additional Required Conditions

- All development, except a single-family home on a lot of less than 20,000 square feet, a duplex on one lot, or a single unit addition to an existing structure (unless such are “sensitive sites” per Section 18.74.060 of the Design Review Ordinance), is subject to the Design Permit requirements of Zoning Ordinance Chapter 18.74: Design Review. Approval of Design Permits shall be subject to making findings that the proposed construction or alteration project is in substantial conformance with the Design and Signage Guidelines of the Downtown Specific Plan, as well as with applicable design standards and guidelines as contained in the city’s Design Review Handbook.
- All manufactured homes are subject to Design Permit approval.

- No building shall be constructed within 80 feet of a ridgeline. To the extent feasible, developments near Upper Llagas Creek should follow the “Guidelines and Standards for Land Use Near Stream” (Santa Clara Valley Water District, 2006). This includes, but is not limited to, restricting development at least 20 feet from the top of bank, maintaining a 2 to 1 structural slope stability requirement, and conducting a stability analysis. All proposed structures shall be constructed outside of the 100-year floodplain unless such development is consistent with the limitations contained in Chapter 18.42 (Flood Damage Prevention) of the Zoning Ordinance.

Downtown Public Facilities (D-PF)

The D-PF public facilities district is intended to accommodate governmental, public utility, educational and community service or recreational facilities. The D-PF district is intended to be applied to existing public facilities as identified by the general plan and other areas where deemed appropriate.

Permitted Uses

See Figure 8 for permitted uses.

Conditional Uses

See Figure 8 for conditionally permitted uses.

Development Standards

D-PF standards are as follows:

- Minimum lot area: not specified;
- Minimum lot width: not specified;
- Minimum lot depth: not specified;
- Maximum building coverage: not specified;
- Minimum setbacks: not specified;
- Maximum height: three stories, or 45 feet as measured from the ground to the top of the roof plate;
- Parking requirements: Parking spaces shall be provided in the amount as specified in Chapter 18.50: Off-street Parking and Paving Standards. In the D-PF Downtown Public Facilities District, exceptions to parking design requirements of Chapter 18.50 may be approved through the Design Permit process;
- Areas used for outdoor storage shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, grading, drainage, access to public streets, safety and protective features, lighting, landscaping and screening;

- All uses, whether permitted or conditional, shall be conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic, as established by the performance standards of Chapter 18.48 (Performance Standards) of the Zoning Ordinance; and
- Signs shall be regulated in accordance with Chapter 18.76 (Sign Code) of the Zoning Ordinance and Chapter 6 (Signage Guidelines) of this Specific Plan.

Additional Required Conditions

- All development is subject to the Design Permit requirements of Zoning Ordinance Chapter 18.74: Design Review. Approval of Design Permits shall be subject to making findings that the proposed construction or alteration project is in substantial conformance with the Design and Signage Guidelines of the Downtown Specific Plan, as well as with applicable design standards and guidelines as contained in the city's Design Review Handbook.

Planned Development (PD)

Purpose of District

The purpose of the Planned Development (PD) overlay district is to:

- Facilitate and promote coordination of design, access, use, and other features associated with development of multiple adjacent properties or large single properties;
- Encourage flexibility of site planning when it will enhance the area in which it is proposed; and
- Allow construction and reservation of housing units for lower income or senior households.

General Provisions

To achieve the purpose of the PD overlay district, variations from the standards specified elsewhere in the above development standards and in Division I of the Morgan Hill Zoning Ordinance may be allowed as long as they variations are consistent with the overall intent, goals, and policies of this Specific Plan. Variations can include but are not limited to permitted or conditional uses (consistent with the Plan designation on the site), lot sizes, lot coverage, setback requirements, parking, building height, floor-area ratio (FAR), and density, the City Council determines and finds that , the proposed development will provide substantial compliance with the district regulations and other provisions in this Specific Plan and Division I of the Zoning Ordinance related to the public health, safety and general welfare.

In that the CBD Mixed Use General Plan land use designation has no maximum density, PD amendments which may increase density via greater height and FAR than base Specific Plan standards for the CBD District, will be processed as a PD zoning and Specific Plan zoning amendment, but will not require an amendment to the General Plan.

Applicability

- Any development within any zoning district which proposes to deviate from standards of the underlying zoning district.

Establishment and Initiation.

A PD overlay district may be established upon the application of a property owner in accordance with procedures established in Chapter 18.62 (Amendments) of the Zoning Ordinance and by fulfilling the provisions of this chapter.

The Planning Commission or City Council may initiate a PD overlay zone in accordance with the procedures set forth in Chapter 18.62 (Amendments) of the Zoning Ordinance without a development plan submittal. A conceptual plan for future development of land zoned as PD by the City Council shall be submitted by the first applicant proposing to develop within the PD subsequent to its establishment by the city. Future development of land designated as PD would be subject to development plan submittal requirements and all other requirements specified in this chapter.

Development Plan, Review, and Approval

A request for establishment of or amendment to a PD shall follow the same procedures as established for zoning amendments, as defined and described in Chapter 18.62 (Amendments) of the Zoning Ordinance or as specified within this chapter.

Preliminary review for Mixed Use and Non-Residential Overlays.

Prior to filing an application for approval of a PD overlay district a preliminary plan review application should be completed. The preliminary review process will include the review and recommendations from the Development Review Committee and public hearings before the Planning Commission and City Council.

Residential Density

Where residential development is proposed as part of the planned development, the residential portion of the development shall not exceed the density limits established by this Specific Plan except that density bonuses may be granted pursuant to the provisions of Chapter 18.47 (Affordable Housing Bonuses and Other Incentives) and Chapter 18.78 (Residential Development Control System) of the Zoning Ordinance.

Permitted Uses

- All permitted uses in the respective underlying zoning district unless otherwise noted in the PD plan or text.
- All uses shown on the development plan and/or specified with PD text for a particular PD district as approved by the City Council.
- In the industrial portions of a PD overlay zone only, “adult businesses” as defined by Sections 18.04.018.2 et seq. and 18.48.170 and 18.48.180 of the Zoning Ordinance are permitted subject to conformity to all city codes, including receipt and maintenance in good standing of a police permit pursuant to Sections 5.60.010 et seq. of the Municipal Code.
- Signs, complying with the applicable regulations set forth in Chapter 18.76 (Sign Code) of the Zoning Ordinance.
- Park for approved and conditional uses.
- Home occupations.
- Other accessory uses and buildings customarily appurtenant to a permitted use.

All uses must meet the performance standards established in Chapter 18.48 (Performance Standards) of the Zoning Ordinance.

Conditional Uses

- All conditional uses in the underlying zoning district unless otherwise noted in the PD plan or text.
- All uses shown as conditional on the development plan and/or specified within the PD text as conditional for a particular PD district as approved by the City Council.

Design Review and Approval

- Architectural and site review approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 (Design Review) of the Zoning Ordinance, such as hillsides, streams, historic structures, and other uses as defined in Chapter 18.74 (Design Review).

Development Plan and Implementation

- The design and location of all physical and landscape improvements shall be consistent with the Development Plan established for the PD.

Modification to Approved Planned Developments

- No significant modifications to an approved PD shall be permitted unless approved by the City Council. Minor modifications consistent with the approved final development plans may be approved by Community Development Director based on the following findings:
 - The modification is consistent with the intent, goals, and policies of this Specific Plan.
 - The modification is consistent with the intent of the original PD approval.
 - The modification will not have an adverse impact upon the owners of surrounding properties.
 - The modified project is consistent with the environmental determination.

- When the Community Development Director finds that a proposed modification differs substantially from the approved PD, an amendment to the approved PD will be required through the public hearing process, planning commission and City Council.

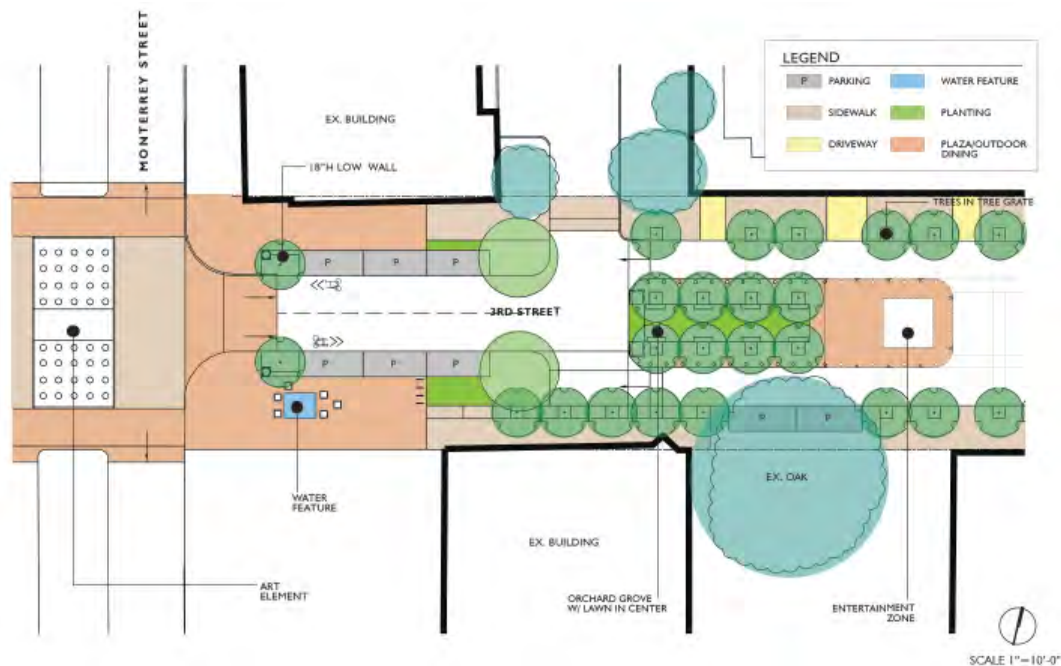
Designation on Zoning Map

Once a Planned Development Overlay District has been established by the approval of the City Council the official zoning map shall be amended to include the symbol “PD” for all development along with the underlying zoning designation.

Chapter 3: Multi-Modal Circulation and Streetscapes

Overview

Streetscape improvements have already been completed for Depot Street between Main Avenue and Fifth Street. Streetscape improvements for the Third Street Plaza and Promenade project will be complete by January 2010. This chapter discusses other priorities for circulation and streetscape improvements.



Sketch and plan for the proposed redesign of Third Street

Monterey Road

Monterey Road provides major access to Downtown from both the north and the south. With four travel lanes (two in each direction), it serves not only as a major access route to Downtown, but also as a circulation route for through traffic. In the past, Monterey Road served as an alternative route to U.S. Highway 101 when traffic backed up on the freeway. By virtue of its width and large through-traffic volumes, Monterey Road can pose internal circulation conflicts within Downtown. In addition, the perceived width of the street, traffic volumes, and vehicle speeds have resulted in a physical and psychological barrier separating Downtown into two segments: one east and one west of Monterey Road. The improvements to East Third Street will extend across Monterey Road to West Third Street and will have the added benefit of traffic calming.

Several construction projects have been completed or have started in recent years that have, or soon will, increase overall traffic capacity in the north-south direction. Highway 101 was widened in 2001 to provide additional lanes and traffic capacity. Butterfield Boulevard has been completed between Cochrane Road and Tennant Avenue, and within the next five years will be extended north to Madrone and south to Watsonville Road to provide an alternative north-south route through Morgan Hill to the east of Downtown.

Additionally, the Santa Teresa Corridor, which includes Santa Teresa Boulevard, Sunnyside Avenue, DeWitt Avenue, and Hale Avenue, is planned to become a unified north-south route that would roughly parallel Monterey Road to the west of downtown. A major portion of this corridor (Main Avenue to Dewitt Avenue) will be completed within the next five years.

The planned parallel north-south routes could allow traffic to be shifted off Monterey, enabling reduction of travel lanes from four to two. This would free up right of way for dedication to other purposes such as wider sidewalks, angled parking and other streetscape amenities, to support a truly pedestrian-friendly, human-scale downtown where people, rather than cars, are emphasized.

The existing conflicts and barriers along Monterey Road should be reduced or eliminated to increase safety and encourage pedestrian activity. Monterey Road improvements through Downtown should be considered after feasibility analyses are complete and the improvements are determined to be feasible and desirable. It is estimated that improvements would likely occur after 2015. The new Citywide traffic model and master traffic analysis will provide information regarding the traffic levels of service and phasing conditions to be met prior to reducing lanes on Monterey Road.

Two approaches could be used to improve the conditions along Monterey Road: reducing the number of travel lanes through Downtown and applying traffic calming measures.

Monterey Road Narrowing

The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan.

There are a variety of options for use of the right-of-way if Monterey Road is reduced to two vehicular travel lanes. Some of these options include the addition of either bike routes or “sharrows”, through Downtown, widening of sidewalks, or the construction of diagonal parking to increase parking resources. The center median may, or may not, be retained. The exact use of the right-of-way would be subject to a community decision-making process.

Monterey Road Streetscape and Traffic Calming

Steps should be taken to slow traffic speeds in order to make crossing easier for pedestrians and to enhance its visual appearance and strengthen the image of downtown as a unique pedestrian zone. Based on further study and design, public improvement plans will be developed, drawing on the following techniques:

1. Entry Point Treatment

Trees, landscaping and/or public art focal point improvements should be added at the corners of Dunne and Main Avenues to signal entry into a special zone. Special raised paving bands could be constructed north of Dunne Avenue and south of Main Avenue to provide a tactile and visual signal for traffic to slow down. Special signage or some other identity feature such as public art or sculpture should be installed at the Dunne Avenue and Main Avenue entries to signal Downtown as a special zone.

2. Special Banner Signage

Support standards for the display of seasonal or special events banners should be installed on existing and new streetlights. Banner poles should also be considered.



Existing special paving on Depot Street

3. Third Street Improvements

These improvements should be installed to link the east and west sides of Monterey Road visually.

4. Median Landscaping and Tree Lighting

Encourage consistent landscaping throughout the existing center median between Main Avenue and Dunne Avenue. Pin lighting or up lighting should be installed to median trees to signal entry into a nighttime activity area.

5. Pedestrian Crosswalk Emphasis

Special treatments should be implemented to increase the visibility of crosswalks to motorists by:

- enhancing the color edge striping, and
- adding push button-activated flashing pin lights in crosswalk striping, in areas with wide crossings.



Existing median with landscaping and pedestrian space on Monterey Road

6. Speed Humps for Four-Lane Monterey Road

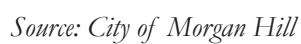
Speed humps have been installed near Third Street to reduce the speed of vehicles. If Monterey Road is narrowed, these speed humps should be removed along with the associated signage.

7. Bike Routes

Bike routes or “sharrows” between Dunne Avenue and Main Avenue are encouraged. These may consist of markings on the road and/or signage alerting motorists to share the lane with bicyclists. This is consistent with the City’s Bike Map (see Figure 10).



Existing speed humps on Monterey Road



Third Street

Third Street is wider than the other east-west streets in Downtown, possibly because of its historic linkage between the railroad and the Monterey Highway (now Monterey Road), which was the main route through the community. This street carries very little traffic and will soon be reconfigured with one traffic lane in each direction, on-street parking, and wider sidewalks. The sidewalks will be wide enough to accommodate outside dining, displays (i.e. produce and flowers), and additional landscaping. Bulbouts and a mid-block pedestrian crossing will be constructed to encourage pedestrian activity and slow vehicular traffic along the street. The final street design should be coordinated with private development to ensure consistency of design and that the private/public spaces are complementary to one another.

The landscape improvements and the activities along the street will serve to provide a strong link between the commuter rail station on Depot Street and the uses along Monterey Road. Third Street will be designed to allow it to be closed off periodically for informal markets, art shows, music events, and other community activities.



Potential to move the Farmers' Market to Third Street

Depot Street

Depot Street has been improved with landscaping, streetlights, bike lanes, bulbouts, and enhanced sidewalks to serve as a strong pedestrian link between the train station, the Community and Cultural Center, the neighborhoods to the north, and Downtown via Third Street.



Looking south along Depot Street

The City of Morgan Hill has studied a possible Circulation Element Amendment to change the current plan to close Depot Street when the planned Dunne/UPRR grade separation (undercrossing) project occurs, so that Depot Street can remain connected to Dunne Avenue. Depot Street offers an important alternate north-south travel route within the downtown, and provides access to public parking lots located on Depot Street. This Downtown Specific Plan will accommodate any decision that may be made regarding Depot Street; however, the preferred option would be a plan to re-route Depot Street through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal, to create an intersection. This would allow Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan College uses.

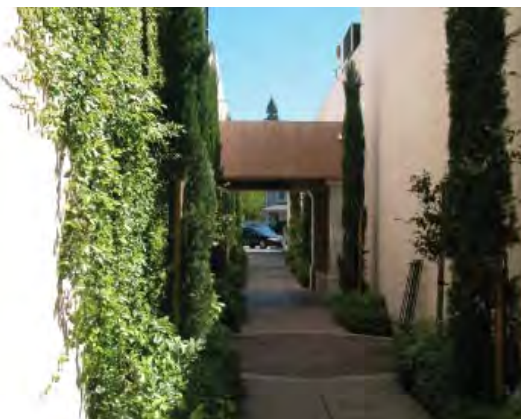
Pedestrian-Friendly, Multi-Modal Circulation

Other streets in the Downtown Core should have beautification improvements including narrowing the streets if possible, providing bulbouts, installing special paving at corners or in crosswalks, bike route signs or “sharrow” markings, on-street parking improvements, lighting and landscaping improvements. As stated earlier, improvements along Depot Street have recently been constructed and improvements are underway along Third Street. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or a possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road. Other side streets should also be planned for streetscape improvements, though not as elaborate as Third Street. Since the Sunsweet Site (on Block 4) is relatively large and will likely redevelop soon, Fourth Street should be given the highest priority for improvements among the side streets. After Fourth Street, priority should be given to Second Street, First Street, Fifth Street, and Main Street, all between Monterey Road and Depot Street.

Two-way streets (streets with vehicular movement in both directions) are strongly encouraged, and one-way streets should be avoided, whenever feasible. One way side streets may require removal of parking spaces along one side of the street and could negatively impact vehicular circulation, both of which are not recommended.

Mid-block crossings (using bulbouts to expand the sidewalk into parking space areas to narrow the paved street surface) on commercial and mixed-use streets are strongly encouraged to facilitate pedestrian activity and increase pedestrian connectivity.

Pedestrian links are strongly encouraged to connect parking lots to Monterey Road, Third Street, and larger developments, such as the Sunsweet Site. Mid-block pedestrian connections are encouraged to connect one side street to another (i.e. an off-street pedestrian link that connects Third Street to Fourth Street). Pedestrian connections should be provided by the property owner and developer.



Pedestrian links from Monterey Road to rear parking lot increase accessibility to lots without creating additional driveways

The City constructed a plaza between the County Courthouse on Butterfield Boulevard and the Pedestrian Railroad Crossing just east of the corner of Depot and Third Street. This plaza is designed to facilitate pedestrian travel from the Courthouse into Downtown. The Plaza serves as a demonstration site for sustainable design and landscaping techniques. Figure 11 contains a conceptual plan for the County Courthouse, plaza, and pedestrian connections.

If additional tracks or high-speed trains are added, a grade-separated pedestrian/bike connection should be studied and constructed as part of these improvements. The design of this crossing should complement Downtown development, make users feel safe and welcome, and serve as a gateway statement to train passengers.

The Santa Clara Valley Water District and the City of Morgan Hill have created preliminary plans for flood control improvements along Upper Llagas Creek through the downtown area. Due to the right-of-way constraints and underground locations, providing a Downtown creekside trail may not be feasible from Second to Fourth Street, from Fifth Street to Dunne Avenue, or along Monterey Road and Second Street. Right-of-way widths to the north and south of those Downtown areas are less restrictive and a trail will be developed in these areas. Where the trail connection through Downtown is not feasible along the creek, signs should be posted at the north and south trailheads to direct pedestrians and bicyclists to sidewalks and bike routes or “sharrows” through Downtown, and then connecting to the other trailheads.

A majority of the West Third Street parcel

owned by the Redevelopment Agency will be needed to accommodate the PL566 flood control project improvements. Prior to that time, the parcel should be used as passive open space with on-street parking. When the PL566 project is implemented, this parcel could become a passive pocket park and pedestrian amenity with a strong connection to the creek improvements, perhaps with interpretive signage about the PL566 Upper Llagas project purposes of flood control and riparian habitat. Figure 12 shows the property owned by the Redevelopment Agency and Upper Llagas Creek.

As a good practice measure to support pedestrian safety and promote safe vehicular travel, the City of Morgan Hill should carry out regular monitoring of the unsignalized intersections in the Downtown area, especially those at Monterey/Fifth, Monterey/Fourth, and Monterey/Central, to evaluate the possibility of restricting cross traffic movements or implementing other restrictions supportive of safe travel downtown.

Source: City of Morgan Hill

Figure 11

County Courthouse and Plaza

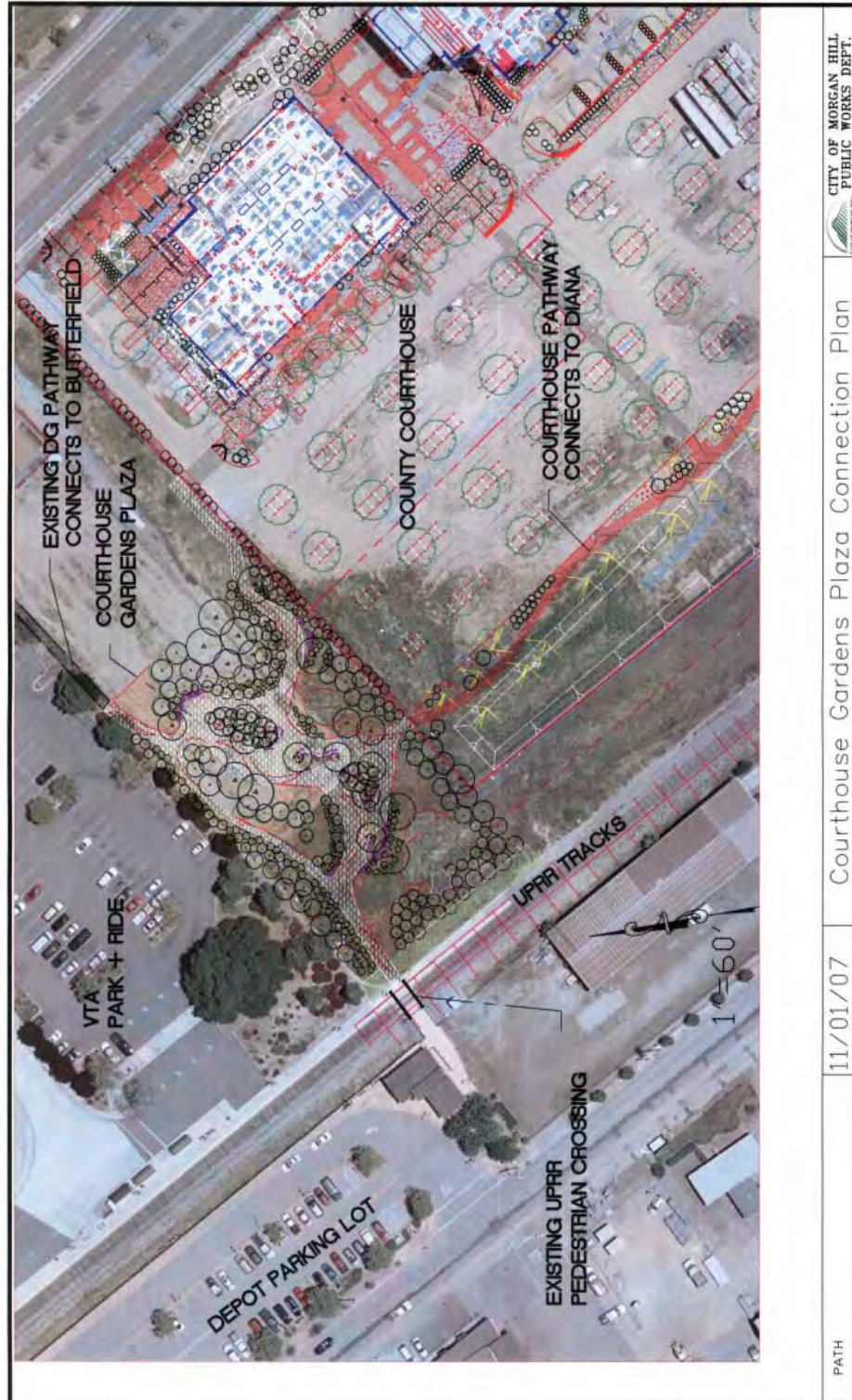
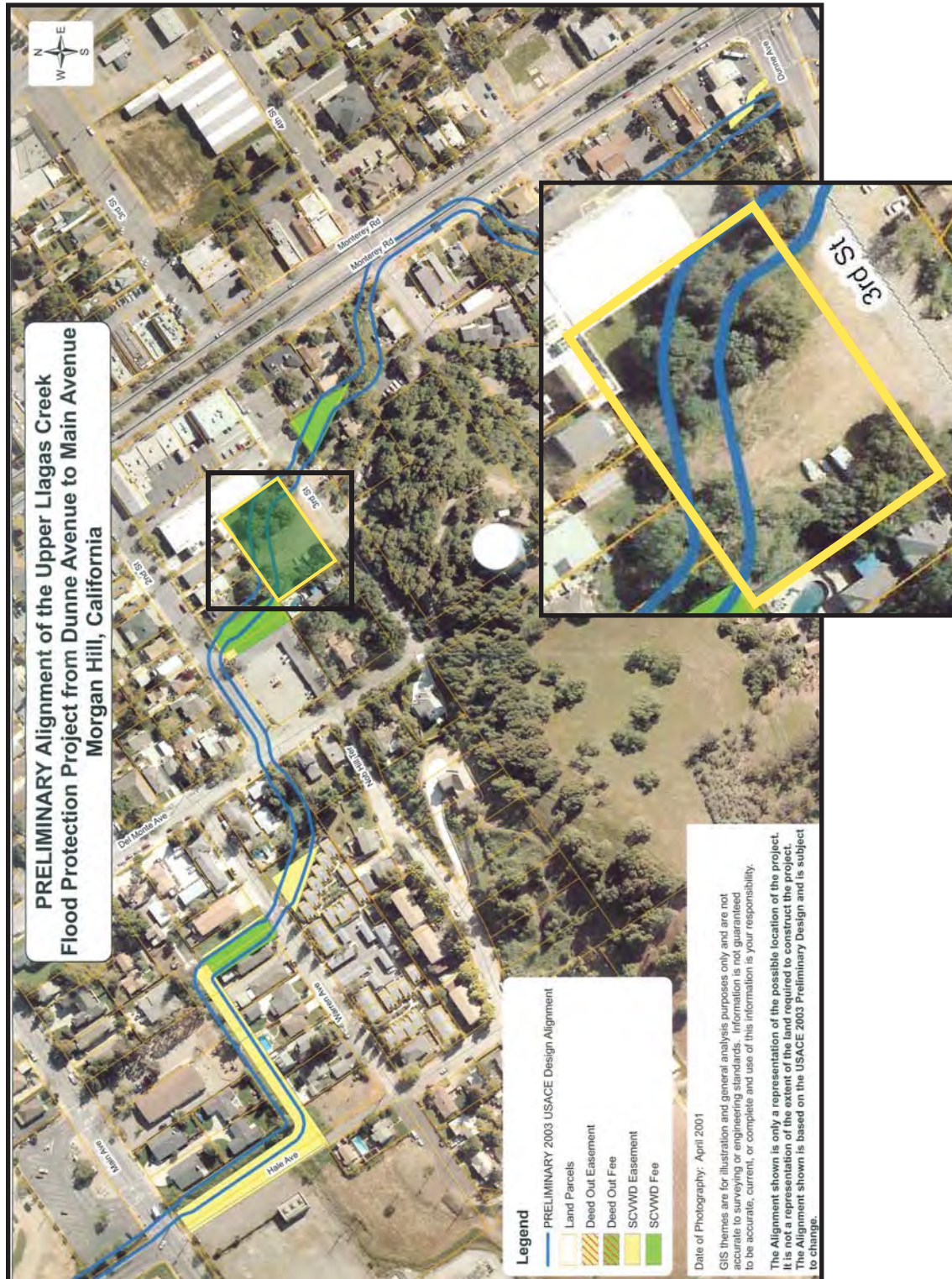


Figure 12

Redevelopment Agency Parcel



Source: City of Morgan Hill

Downtown Streetscape Design

The following figures are representations of what each street may look like based on the above standards. Figure 13 shows the existing improvements made to Depot Street. Figure 14 shows conceptual design parameters for East Third Street. Figure 15 shows a possible layout for side streets. Streetscape planning efforts with public participation opportunities will be carried out prior to any final decisions by the City Council regarding sidewalk widths, arrangement of parking spaces, provision of bike routes or sharrows, and other streetscape amenities.

Monterey Road

Monterey Road presently includes four travel lanes, and center landscaped median, parallel parking on each side, and sidewalks. The wide right-of-way allows for several options for redesigning the street layout. Some options that residents and business and property owners have discussed are:

- wider sidewalks;
- angled parking; and
- removing all or portions of the median.

The actual use of the right-of-way will be subject to a community decision-making process.

Main Avenue/Monterey Road Intersection Operations

The intersection of Main Avenue and Monterey Road is one of the most congested in Morgan Hill, but there are limited opportunities to improve operations due to the existence of buildings on each of the corners of the intersection. While this Plan does encourage the property owners and the Redevelopment Agency to work together to redevelop the uses along Monterey Road and at the corners, there may be opportunities to implement certain operational measures that could improve service. As an action item of this Plan, the City should evaluate the traffic lights and controls at the intersection, and study not allowing left turns from Main to Monterey and to parking lots in either direction during peak hours, and implement as feasible.

Depot Street

Depot Street is 60 feet wide and has one travel lane in each direction. Depot Street has recently received various streetscape improvements, such as bulbouts, wider sidewalks, and bike lanes on each side. There are no additional streetscape improvements for Depot Street at this time due to the recent upgrades.

Figure 13

Existing Depot Street Layout

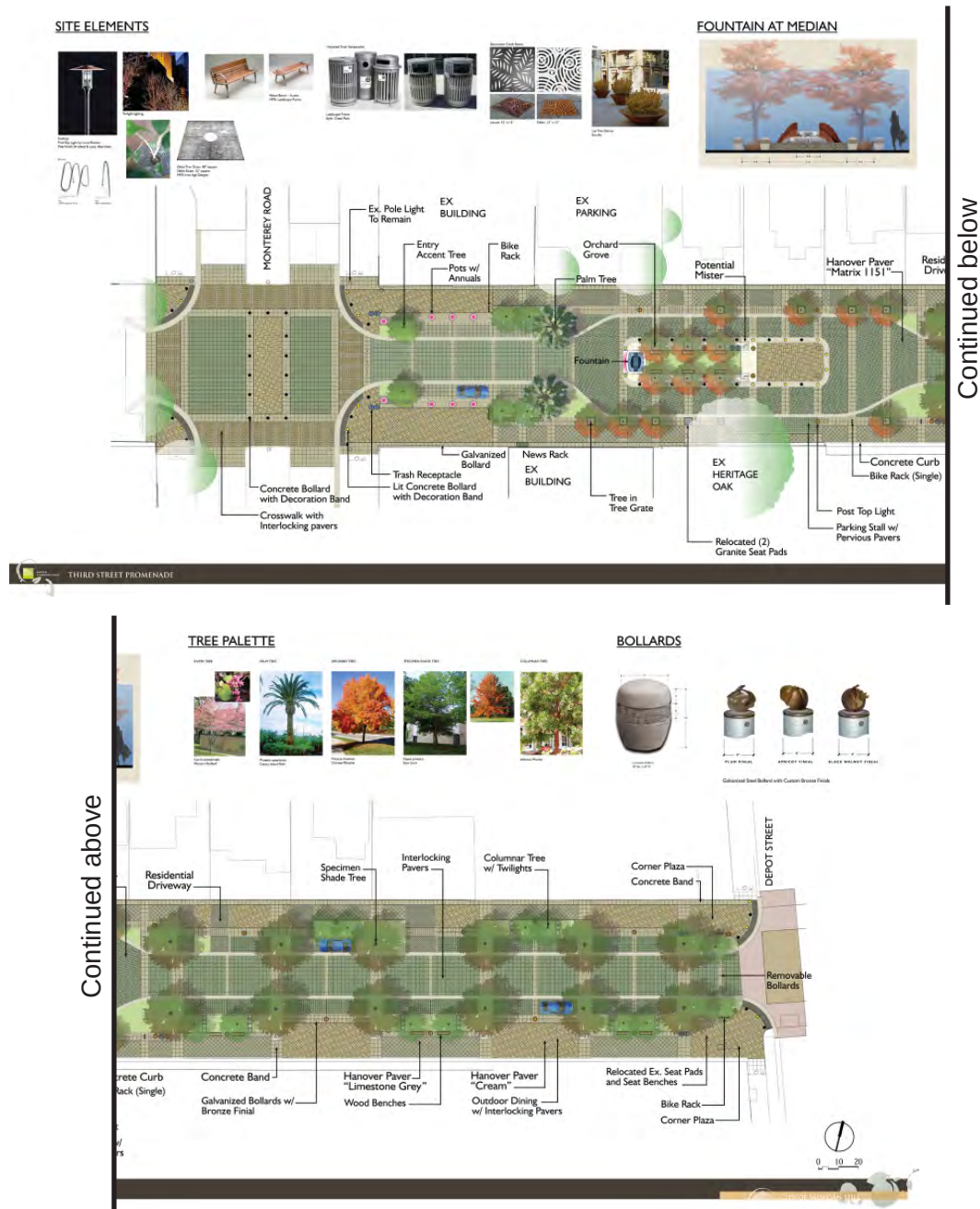


East Third Street

East Third Street is the widest east-west street in Downtown, with a width of 80 feet. The layout adopted by the City Council for East Third Street includes two 11.5-foot travel lanes, an 18-foot sidewalk along the north, and a 23-foot sidewalk along the south. Sidewalks have been designed to encourage outdoor dining amenities for adjacent restaurants. This street also incorporates trees, landscaping, and a public plaza.

Figure 14

East Third Street Design



Side Streets

The side streets in Downtown (First through Fifth Streets, excluding East Third Street) generally consist of a 60-foot right-of-way with one travel lane in each direction, parallel parking on each side, and sidewalks. As redevelopment occurs throughout Downtown, it will be important to enhance these streets with wider sidewalks (as feasible) and landscaping. Existing low-density neighborhood streets may transition to higher-density residential or mixed-use streets along part of the street or the entire corridor.

Each street will include different uses and the exact layout may differ between each street. A possible layout would be to have two 12-foot travel lanes, parallel parking on each side, and wide sidewalks. Some areas, such as residential streets may include a landscaped parkway between the street and the sidewalk. Other streets, or portions of the streets, may have wider sidewalks with trees (protected with tree grates and root guards) in the sidewalks.

Figure 15

Possible Side Street Layout



Chapter 4: Parking Resources Management Strategy

Overview

In May 2008, DKS Associates developed recommendations for parking resources in the Downtown area based on existing and projected parking demands. Existing parking conditions were evaluated using surveys conducted in 2004 and 2006. The analysis investigated several characteristics including occupancy, turnover, access, circulation, conditions of parking lot pavement and lighting conditions.

In general, the existing parking occupancy is less than capacity for both on-street and off-street facilities. Parking turnover varied from short durations to all-day parking for Downtown employees. Signage, lighting and pavement conditions are typically adequate; however, observations made during the 2004 surveys identified a few candidate locations for potential improvements.

While current parking demand is less than the available supply, projected development and redevelopment is anticipated to increase parking demand while removing some of the existing off-street and on-street parking supply. Based on no on-site parking requirements for new retail and office developments, retaining the existing availability of 103 on-street spaces for existing residential uses, and targeting a 92 percent occupancy rate, 808 public spaces would need to be added to the supply by 2030.

To improve parking conditions in the Downtown area and address the projected parking needs, this report recommends several near-term and long-term strategies. In the near-term, the City of Morgan Hill should consider reducing the time limit and increasing enforcement of restricted parking spaces. A designated parking lot for Downtown employees would increase the availability of desired parking spaces for Downtown business patrons. The City should also work with property owners to improve the lighting and pavement conditions of private parking lots.

Long-term recommendations focus on increasing the public parking capacity to meet the projected rise in parking demand. The City of Morgan Hill plans to fund additional public parking capacity by converting private parking to public parking lots and by building new off-street facilities, possibly in the form of a joint parking structure for multi-use shared parking. The private sector would be responsible for some construction costs, streetscape improvements, and maintenance through in-lieu fees, a Parking Assessment District, and/or contributions to the Downtown Business Improvement District. Modified parking requirements should be established for new developments, with particular requirements for residential uses to provide sufficient designated parking. If a meter program is considered, a Parking Pricing Strategy should be implemented. Finally, a Parking Monitoring Program should be created to ensure that the parking occupancy rate remains at the desired level.

The complete analysis conducted by DKS Associates is available through the City of Morgan Hill Community Development Department.

Survey Methodology

The 2002 Morgan Hill Parking Survey found that there was sufficient parking available in the Downtown area to meet the needs of current development levels. A limited follow-up survey was conducted in November 2004 to detect any changes in parking patterns since the 2002 comprehensive study.

The Downtown study area extends from Main Street to the north, Dunne Avenue to the south, Del Monte to the west, and Depot Street to the east. To account for the greater parking demand observed along Monterey Road between Main Avenue and Third Street, a smaller “focus” area was established in the 2004 follow-up survey. The “focus” area consisted of both restricted (2-hour time limit) and unrestricted parking spaces along the entire length of Third Street between Monterey Road and Depot Street. In addition, the “focus” area included the restricted on-street parking spaces on Monterey Road between Main Avenue and Third Street, and along First, Second, and Third Streets approximately within 100-200 feet of Monterey Road. Figure 16 depicts the entire study area, including the boundaries of the “focus” area.

The limited follow-up surveys were conducted during one Weekday morning and one Saturday morning from 10:00 A.M. to 1:00 P.M. Occupancy and parking duration were measured along the five on-street segments and in the five parking lots with the highest occupancy identified in the 2002 report. Figure 17 lists the parking survey sites.

In addition to the 2002 comprehensive parking surveys and the 2004 follow-up surveys, the Metropolitan Transportation Commission (MTC) conducted surveys in July 2006 for parking policy recommendations supporting smart growth in the Morgan Hill area. Because the results of these surveys were found to be generally consistent, an updated comprehensive parking survey was not conducted for the 2008 report.

Existing Conditions

There are approximately 1,237 parking spaces located within the Downtown study area (not including a total of 699 spaces at the Caltrain parking lot and at the Community and Cultural Center). All parking in the Downtown core area is currently free to users.

On-Street Parking

Of the approximately 477 on-street parking spaces in the study area, 115 are restricted spaces limited to either 2-hour parking (107 spaces) or 20-minute parking (9 spaces). Figure 18 illustrates on-street parking locations.

Since the 2004 survey, however, 54 on-street spaces have been removed due to the Third Street Redevelopment Project and the Depot Street Redevelopment Project. 423 spaces remain.

Off-Street Parking

The study area consists of approximately 760 off-street parking spaces available in public parking lots, private lots provided for customers for specific commercial uses, and private lots prohibited to the public. Only two public parking lots have posted time restrictions. The 232 spaces available in the Morgan Hill Community and Cultural Center parking lot and the 467 spaces at the Caltrain/VTA parking lot were not included in the study. Figure 19 illustrates the off-street parking facilities in the study area.

Figure 16
Project Study Area



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Figure 17
Parking Survey Sites

	Side/Lot#	Segment/Location	To/From Street
On-Street	West	Monterey Road	Main Street to First Street
	East	Monterey Road	First Street to Second Street
	West	Monterey Road	Third Street to Fourth Street
	East	Monterey Road	Fourth Street to Fifth Street
	North	Third Street	First Street to Second Street
Parking Lot ¹	#8	Wells Fargo Bank	E. Main Street
	#8A	Public Lot	Monterey Road
	#13	BookSmart Bookstore/Just Breakfast Restaurant	Monterey Road between W. First Street and W. Second Street.
	#16	Bike Shop/Restaurant/Toy Store	W. Second Street to W. Third Street
	#19	Coffee/Bagel, restaurant	E. Third Street

¹ Off-Street parking lots for businesses as of 2004. See Figure 19 – Off Street Parking Facilities Location.

Figure 18
On-Street Parking Locations



PD4191- Revised Draft Final off-street parking 10-07.cdr 12/4/07

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Figure 19
Off-Street Parking Facilities Locations



P04191-Road Drift Final OnStreet Pricing no numbers.cdr-12/4/07

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Parking Utilization

In general, the follow-up parking surveys showed that existing parking occupancy is less than capacity for both on and off-street parking facilities. Figure 20 summarizes the observations of existing supply and demand for the designated “focus” area and entire Downtown study area.

The follow-up survey confirmed the 2002 report that the majority of on-street parking spaces are not fully utilized. Unrestricted parking spaces further away from the Downtown “focus” area (away from Monterey Road and south of Third Street) are considerably under-utilized (less than 50 percent). While some segments of on-street parking experience near full occupancy, especially during peak periods (lunch hour), additional on-street parking was still available on nearby side streets.

Off-street parking spaces were also observed to be under-utilized. Private lots reserved for restaurant customers experienced high occupancy during peak (lunch) hours, but off-street parking in public lots was found to be available nearby.

Parking Turnover

In general, the Downtown area would benefit from higher turnover rates to increase the availability of spaces near commercial businesses. While the average turnover for on-street parking spaces with the highest occupancy is typically less than two hours, in accordance with the posted limits, it was observed that a few vehicles remained parked for longer than two hours. Figure 21 shows the on-street parking turnover for the five locations with the highest occupancy. Likewise, vehicles generally park for one to three hours in the two time-restricted public parking lots, but many vehicles remain parked for more than the 4-hour limit. Figure 22 shows the estimated occupancy and duration for the five parking lots with the highest observed occupancy.

Physical Conditions of Parking Facilities

On-street restricted parking spaces within the study area are typically well signed and in good condition along paved curbs. Unrestricted parking outside of the “focus” area is generally for residential use and the conditions of the curbs and sidewalks vary from none to fully paved. In general, public parking lots are well maintained with good paving and lighting while the condition of private lots varies greatly. Many of the lots have poor striping conditions, which could reduce the total capacity of a parking lot if vehicles do not follow the designated parking spaces. Inter-lot connections could lead to more uniform management of Downtown parking resources, leading to aesthetic improvements and marginal efficiency gains. Conversations with Downtown stakeholders revealed that many business owners believe that upgrading the lighting and maintenance of existing parking structures is a top near-term priority.

Parking Signage

There are three main types of signs currently used to direct motorists to public parking lots and on-street parking: on-street parking signs, public parking signs with directional arrows, and public parking signs without directional arrows. While most signage is clear and consistent throughout the Downtown area, five signs are faded or damaged due to vandalism and entry to the public parking in Lot #16 is difficult to find. The City of Morgan Hill has recently implemented a new Downtown Directional Signage Program, which includes new decorative directional signage for parking and upgrades for deficient signs.

Figure 20
Existing Parking Supply and Demand

Type of Parking	Location	# of Spaces	Weekday Midday Peak Occupancy ^b	Weekend Midday Peak Occupancy ^b
			% Occupied	% Occupied
On-Street	Focus Area	144 ^a	74%	74%
	Downtown	477 ^c	39%	42%
Off-Street	Public ^d	88	82%	69%
	Private (Commercial) ^d	269	56%	41%
	Private (Restricted) ^d	32	53%	6%
	Downtown	750 ^e	49%	32%
All Parking Total	Focus Area	533	65%	52%
	Downtown	1227	45%	36%

Notes: a – # of On-Street spaces is based on field observations for the “Focus” area, and the 2002 Morgan Hill Parking Survey for other areas of Downtown

b – Occupancy percentages based on updated 2004 survey results.

c – Current supply has since been reduced to 320 spaces available to retail and office uses (26 spaces reduced due to the Third Street Redevelopment Project, 28 spaces reduced due to the Depot Street Redevelopment Project, and 103 spaces are currently used by existing residential development).

d – Off-street parking located within the “Focus Area”

e – Number of Off-Street spaces includes Parking Lot #37 (74 spaces, west of RR tracks), but not 37A, 37B (467 spaces, east of RR tracks), or 38 (Community and Cultural Center, 232 spaces), which were not included in the 2002 Report.

Figure 21
On-Street Parking Turnover

Time Period	Roadway Segment	Side of Street	Capacity	Average Occupancy	Average Duration (hr)
Weekday	Monterey Rd (Main - First)	West	4	69%	1.8
	Monterey Rd (First – Second)	East	8	56%	1.5
	Monterey Rd (Third – Fourth) ^c	East	3	8%	1.0
	Monterey Rd (Fourth - Fifth) ^c	East	8	28%	1.8
	Third Street (Monterey – Depot)	North	25	54% ^a	2.2 ^b
Weekend	Main St (Del Monte - Monterey)	South	9	47%	2.7
	Monterey Rd (Main – First)	East	5	50%	2.5
	Monterey Rd (First – Second)	West	4	81%	1.0
	Monterey Rd (First – Second)	East	8	66%	1.3
	Third Street (Monterey – Depot)	North	25	88% ^a	1.2 ^b

Notes: a – Average occupancy is based on the entire length of street (24 spaces).

b – Average duration based on the first 10 spaces observed for measurements of duration.

c – Non-focus area, non-restricted

Figure 22
Off-Street Parking Facilities Turnover

Time Period	Parking Lot ^a	Parking Facility Location	Capacity	Average Occupancy ^b	Average Duration (hr) ^c
Weekday	Lot #19	Coffee/Bagel, Restaurant (E. Third Street)	17	75%	1.9
	Lot #8A	Public Lot (Monterey Road) between E. Main St & E. Second St	23	74%	3.3
	Lot #10A	Paved – Maurizio's (E. First St)	7	68%	2.8
	Lot #7	Restaurant/Tattoo Shop (Monterey Rd)	22	59%	1.6
	Lot #16	Bike Shop/Restaurant (W. Second St & W. Third St)	36	50%	3.1
Weekend	Lot #19	Coffee/Bagel, Restaurant (E. Third St)	17	59%	1.5
	Lot #8	Public Lot (Monterey Road)	38	47%	1.4
	Lot #8A	Unpaved (Monterey Road)	23	68%	3.3
	Lot #13	Restaurant/Tattoo Shop (Monterey Road)	26	81%	2.5
	Lot #16	Bike Shop/Restaurant (W. Second St & W. Third St)	36	69%	2.2

Notes: a – See Figure 19 (Off-Street Parking Facilities Location).

b – Average occupancy is a measure of entire lot.

c – Only first 10 spaces observed for measurements of duration during limited parking survey

Parking Enforcement

On-street parking and publicly maintained parking lots are currently enforced on a complaint basis for vehicles parked for extended periods (typically greater than three days, per City ordinance). In previous years, parking enforcement of the posted 2 and 4-hour time limits was shown to be impractical by law enforcement and not desired by the Downtown business community. Enforcement is not urgently needed under current parking conditions as motorists generally adhere to posted parking signs.

Enforcement of privately owned parking lots is currently the responsibility of the business owners. While many of the private parking lots have posted signs warning non-patrons of potential towing, no enforcement was noted during the 2004 field study. However, there have been recent reports of increased enforcement by private lot owners of Lot #16.

Employee Parking Conditions

Currently there is no designated employee parking area for Downtown businesses. The 2004 field observations revealed that many employees use off-street parking lots and suggested that some employees park on Third Street and Fourth Street in the unrestricted on-street parking spaces. Because some vehicles were observed to park in 2-hour on-street spaces and in 4-hour off-street spaces for extended periods, it is likely that employees use restricted parking, limiting the availability of desirable spaces for business patrons.

Bicycle Parking Conditions

The 2001 City of Morgan Hill Bikeways Master Plan recognizes the potential to expand and improve existing bicycle facilities in the study area. Most bicycle parking in the Downtown area use inverted U bicycle racks, which follow Class I standards of bicycle parking as defined in the Santa Clara County VTA Countywide Bicycle Plan. However, there are two comb racks in the study area, which are classified as Class III bicycle parking facilities and are not secure.

Residential Parking Conditions

Observations from the 2004 parking survey suggest that approximately 103 vehicles in on-street parking spaces within the core Downtown area were related to existing residential uses. Because the availability of existing off-street residential supply is not identifiable, quantifying a future on-street parking demand would not be reliable. For the purposes of this analysis, the observed existing demand is considered static and accounted for as a reduction in available future supply.

Depot Street and Third Street Streetscape Projects

The 2002 and 2004 parking surveys that provided the data for this parking strategy only included on-street parking spaces along the west side of Depot Street, and 65 spaces existed prior to the Depot Street Streetscape Project. Post-project, there are 37 parking spaces along the west side of Depot Street, a reduction of 28 on-street spaces. The planned Third Street project will reduce on-street parking supply from 56 spaces to 25 on-street spaces, a reduction of 31 spaces. Therefore, a total of 54 on-street spaces are reflected as a reduction of future on-street supply in this analysis.

Future Projections

Future growth projections fall into two categories: short term (year 2015) and long term (year 2030). Based on projected development plans outlined in previous chapters, several existing parking facilities for commercial uses may be modified or removed. Although future developments typically include some parking supply for the intended land use, no additional spaces were assumed to be included in the future commercial developments. New residential uses are anticipated to provide adequate off-street parking at a rate of 1.0 space for units smaller than 600 square feet, 1.5 spaces per unit between 601 square feet and 1,350 square feet, and 2.0 spaces per unit larger than 1,350 square feet.

Short Term (Year 2015) Parking Conditions

Based on the projected 2015 development scenarios, the total parking demand in 2015 would be approximately 1,232 spaces for commercial land uses. The demand is expected to increase for retail parking by approximately 269 spaces and for office parking by approximately 121 spaces. Figure 23 shows the parking generation rates and total parking demand estimates for the existing and short-term conditions. Parking generation rates were obtained from a 2007 MTC study and reviewed by DKS Associates for use in this analysis.

The anticipated retail expansion and streetscape projects result in a loss of 208 parking spaces, reducing the supply from 1,237 spaces (760 off-street and 477 on-street) to 1,029 spaces (606 off-street and 423 on-street) within the Downtown area. Because approximately 103 of the on-street spaces are currently occupied by existing residential uses, the final estimated parking supply would be approximately 926 spaces. Considering the increase in demand for 1,232 spaces, a shortfall of 306 spaces will occur by 2015, focused around Blocks 2, 3, 4, and 7.

Long Term (Year 2030) Parking Conditions

Using the 2030 projected development scenario and the parking rates from the 2007 MTC study, the total estimated commercial parking demand for the year 2030 would be approximately 1,560 spaces. The demand is estimated to be 829 spaces for retail parking and 731 spaces for office parking. Figure 24 provided a summary of the total parking generation rates and demand estimates.

Developments throughout the remainder of the Downtown core area between 2015 and 2030 may eliminate up to 174 off-street parking spaces. Combining this estimate with the loss of 208 parking spaces due to the projected 2015 development and the assumption that approximately 103 spaces are occupied by existing residential parking, the parking supply will be reduced from 1,237 spaces to 752 spaces.

Based on the calculated demand of 1,560 spaces for commercial uses, there will be a net shortfall of approximately 808 spaces in the Downtown core area by the year 2030. Figure 25 summarizes the estimated parking demand, supply, and parking supply excess/shortfall for Downtown commercial uses only.

Figure 23
Short-Term Parking Generation Rates and Demand Estimates (2015)

Land Use	Units	Parking Rates	Existing		2015	
			Size	Demand	Size	Demand
Retail	sq. ft	2.86	123,365	353	217,586	622
Office	sq. ft	4.0	122,248	489	152,405	610
Retail and Office Demand				842		1,232
Residential	d.u.	tbd	193	tbd	546	Tbd

Source: Metropolitan Transportation Commission's (MTC) Parking Profile and Policy Recommendations – Morgan Hill. Figure 25 – Demand Based and Peak Based Parking Rates (parking/unit). Memorandum prepared by Wilbur Smith Associates for MTC. June 29, 2007.

Figure 24
Long-Term Parking Generation Rates and Demand Estimates (2030)

Land Use	Units	Parking Rates	Existing		2015		2030	
			Size	Demand	Size	Demand	Size	Demand
Retail	sq. ft	2.86	123,365	353	217,586	622	289,855	829
Office	sq. ft	4.0	122,248	489	152,405	610	182,839	731
Retail and Office Demand				842		1,232		1,560
Residential	d.u.	tbd	193	tbd	546	tbd	874	tbd

Note: Parking Rates are for combined weekday/weekend peak, per 1,000 square feet or per dwelling unit.

Figure 25
Commercial Parking Supply and Demand Comparison

Block	Estimated Commercial Demand			Estimated parking Supply			Parking Shortfall	
	Retail	Office	Total	Off-Street	On-Street ^a	Total	Off-Street Only	Total
Existing	353	489	842	760	320	1,080	-82	+238
Year 2015	622	610	1,232	606	320	926	-626	-306
Year 2030	829	731	1,560	432	320	752	-1,128	-808

Note: a – includes a reduction of 103 spaces to be occupied by existing residential land uses and a reduction of 81 spaces from Third Street Redevelopment Project and Depot Street Redevelopment Project

Recommendations

Near-Term Parking Improvements

On-street parking serving the Downtown area is generally well marked, and motorists typically adhere to posted parking signs and time limits. However, converting the 4-hour public parking lots to 2-hour parking with enforcement will reduce the number of vehicles that remain parked for longer than posted limits and increase parking turnover. A parking lot designated for Downtown employees should be established to further increase the availability of spaces near businesses for patrons. Public parking lots are generally well paved and adequately lit, but many of the private parking lots would benefit from improved lighting and pavement conditions. While existing bicycle racks are not always used, comb bicycle racks should be replaced with inverted U racks and locations for additional bike racks should be considered with input from local businesses.

On-Street Parking Recommendations

- Update street lighting to current standards for new on-street parking as outlined in the Caltrans Traffic Manual or by other agency standards. Improved lighting would address safety concerns, encouraging people to feel comfortable walking greater distances to parking lots, and potentially attract more business. In general, a luminaire pole should be provided every 150 feet with a luminance of approximately 2 to 3.5 foot-candles. Installation of a new luminaire pole with foundation typically costs between \$5,000 and \$10,000, with decorative styles being slightly more expensive.
- Replace five (Caltrans Type R32) signs due to fading and vandalism. Replacing existing signs costs approximately \$200 per sign.
- Consider regular scheduled sign maintenance, with landscaping and sign replacements conducted on an as needed basis.

- Direct business owners and employees to park in public lots outside of the core area, away from businesses along Monterey Road. Public lots near Depot Street and E. Fourth Street (Lots #30, #37, #37A, and #37B) and private lots near Del Monte Ave between W. First Street and W. Second Street (Lots #8, #11, and #15) are under-utilized.

Off-Street Parking Recommendations

- Resurface pavement in private lots typically used by Downtown business patrons (Lots #10A, #14, #31, and #33). Other private lots (Lots #3, #5, and #6) were also observed to have poor pavement conditions. Resurfacing existing paved parking lots with new asphalt-concrete typically costs about \$3.00 per square foot. This estimate does not include striping or grading, if needed. The property owners of private lots should be responsible for appropriate maintenance and lighting, although the City's Redevelopment Agency may develop a program to provide funding assistance for such improvements.
- Improve poor striping in public lots (#8A and #30) and private lots (#7, #13, #20, and #23) typically used by Downtown business patrons. Striping generally costs about \$1 per linear foot with costs ranging from \$20 to \$45 per parking space.
- Check lighting levels and inventory fixtures in parking lots that were observed to have poor lighting conditions (Lots #9, #10A, #13, #14, #22, and #31). Costs for lighting fixtures are discussed above in the first on-street parking recommendation.
- Add two new "Public Parking" signs to the entrances of Lot #16 at W. Second Street & W. Third Street. Adding a new sign costs approximately \$500, with decorative directional signs typically being more expensive.

- Establish a lot for Downtown employees located outside of the “focus” area to increase parking for business patrons. The City should work with the Downtown Association to identify potential locations, such as the 232-space parking lot at the Community and Cultural Center. The cost of designating a public lot as a long term parking facility would be negligible. A stakeholder meeting and support from private businesses would educate the public and increase compliance.
- Convert 4-hour public parking lots (Lots #8A and #17) to 2-hour parking with enforcement to encourage higher turnover. Costs for adding new signs and parking enforcements are described in the previous section.
- Add directional signs to off-street parking facilities on other blocks to help motorists find other available parking if their first choice of parking lot are fully occupied.
- Conduct parking demand surveys during peak hours at the Community and Cultural Center on weekdays, during the evenings, and on weekends to determine if there is a surplus parking supply that may be used as a shared parking resource. If a new parking facility were needed, it would cost between \$2,500 and \$5,000 per space to pave undeveloped land. Costs range due to the levels of excavation, grading, paving, curb installation, drainage, lighting, and signage. While developing new parking sites is considered a high priority for redevelopment and other funds allocated to Downtown, ongoing maintenance and operation costs would be shared among Downtown stakeholders.
- Facilitate inter-lot connections and circulation between private parking lots. The City should consider developing shared lease agreements with private entities, purchasing smaller parking lots, and encouraging physical improvements such as curbs, dirt fill, wood railing removal, grading, paving, re-striping and coordinated lighting.

Bicycle Parking

- Remove and replace two comb racks (located at the northeast corner of First Street & Monterey Road and the southwest corner of Second Street & Monterey Road) with inverted U bicycle racks as described in the City of Morgan Hill Bikeways Master Plan. Removing existing comb racks costs about \$100 each and installing new inverted U bicycle rack are approximately \$500 each.
- Work individually with local businesses to add new bicycle racks at locations with high bicycle demand. Selecting appropriate locations for bicycle racks may encourage additional and safer bicycle use.
- Investigate the feasibility of providing an attendant-serviced bicycle parking station for rail transit users and downtown employees.

Future Parking Improvements

The current parking forecast in the Morgan Hill Downtown area shows that the retail development at Blocks 2, 3, and 4 with the estimated removal of 208 parking spaces by 2015 (154 off-street and 54 on-street) will result in more demand than the current and projected supply can accommodate. Between 2015 and 2030, development throughout the remainder of the Downtown Core area may eliminate up to 174 additional off-street spaces. Because of this projection, the City should consider seven general strategies that are aimed at long-term development or financing of parking assets. Should the parking demand exceed the projections in this report due to increased development or for other reasons, one or more parking structures should be considered.

Long-term Parking Strategies

1. **Create additional public parking supply.** The Redevelopment Agency has recently allocated funds for increasing the supply of Downtown public parking and other funding sources such as in-lieu fees paid by non-residential developers will also be available. At the present time, the City of Morgan Hill intends to acquire and improve public parking spaces prior to the occupancy of new developments, increasing the public parking supply by 500 additional spaces by the year 2015. Several potential strategies are listed below.
 - **Convert private parking to public parking.** To increase the public parking supply, the City should consider acquiring private parking resources. The City would benefit from a greater parking supply and developers would reduce their expenses. The City/RDA would be responsible for improving the lots and for their operation and maintenance (using a variety of resources as discussed in other sections of this report). This strategy may also lead to better

opportunities to combine or adjust access to parking lots.

- **Build a pedestrian crossing over the railroad tracks.** To access the additional parking supply located east of the railroad tracks, City Council recommends building a grade-separated pedestrian crossing over (or under) the Caltrain railroad tracks.
2. **Commercial Parking.** If future commercial development is required to provide on-site parking, businesses will either not locate Downtown because they cannot afford to build parking or businesses will provide private parking, which increases the parking supply but not the revenue generated by parking resources.

Non-residential development will be exempted from on-site parking requirements, and instead will be responsible for paying in-lieu fees that fund a portion of the development, operations, and maintenance costs. Parking costs will be met with a combination of RDA funds, in-lieu fees, contributions to the Business Improvement District, and/or a Parking Assessment District.

- 3. Developer In-Lieu Fees.** Projects will pay in-lieu fees instead of being required to provide on-site private parking. In-lieu fees can be used for overall parking and streetscape improvements as well as maintenance. This strategy is effective as long as there is parking available when a new commercial development is built and the improvements attract more businesses, residents and patrons to the area.

An in-lieu fee program would consist of several elements that typically include:

- Fee Collection Process
- Amount of Fee
- Time of Collection of Fees
- Use of Fee
- Current Fee Schedule
- Disputes Resolution Process
- Trust Fund or Account Maintenance
- Termination of Program
- Fee Schedule and Escalation Provisions

The fee will be based on the revised Downtown parking requirements, per the MTC Study, and set forth in this Specific Plan (page 4-19). Other elements would be determined at the direction of the City. The MTC Study reports that current in-lieu fees vary widely across the Bay Area, ranging between approximately \$10,000 and \$30,000 per required space for office developments, and vary significantly depending on parking requirements from other land use types.

- 4. Create a Parking Assessment District.** Under a Parking Assessment District, business or property owners would contribute to a fund for both short-term and long-term parking improvements, maintenance, and operation. The fund would apply to all existing and future business or property owners proportionately.

Parking Assessment Districts are often considered in locations where parking meters are not desirable. If there is not a parking turnover problem or enough parking demand to generate the desired meter revenue, a Parking Assessment District may be more appropriate. The key difference is that business or property owners pay into the assessment district while the actual user pays into a meter program.

- 5. Use parking meter revenue in the Downtown Business Improvement District.** Currently, there are no user-paid parking revenue sources in Downtown Morgan Hill; however, parking meters generate revenue that could be funneled into the Downtown Business Improvement District. While many businesses will be concerned that parking meters will deter customers, parking meters lead to greater turnover of desired spaces (such as those fronting Monterey Road), and thus make the Downtown more inviting and accessible. The streetscape, parking and lighting improvements funded by meter revenue will make Downtown more attractive, and thus attract more people to the area.

6. **Create a Parking Pricing Strategy.** If a meter program is considered, then a parking pricing strategy should also be created for all of Downtown, including any potential future parking structures. Pricing should encourage longer-term parking (i.e., more than four hours) to park off-street and shorter-term parking to be located on-street at metered spaces. Free parking (to the user), if any, should be located on the fringe areas of Downtown, and would need to be enforced alongside the fee parking areas.
7. **Implement a Parking and Land Use Monitoring Program.** A Parking and Land Use Database and Monitoring Program shall be created to track changes as development occurs, and to ensure parking capacity is added to maintain adequate supply. Demand for parking from non-residential land uses shall be documented, along with changes in the parking supply, through the preparation of a monitoring report submitted to the City Council every two years to ensure planning, regulatory, and construction measures are undertaken to provide adequate parking supply as development and redevelopment occurs in the 14-block Downtown Core area. New parking facilities should be planned for when new retail uses are occupied. In addition, because redevelopment projects could remove existing parking supply and/or increase parking utilization rates, additional capacity may be needed. An on-going monitoring program will be conducted so that new parking facilities are made available as parking occupancy rises.

Parking Requirements for Downtown

As described previously in Figure 25, the estimated commercial demand (office and retail) will increase by 718 spaces to 1,560 by the year 2030 with full build-out. To accommodate the increased demand, modified parking requirements are adopted as set forth in Figure 26. Parking rates for office land uses are recommended to be 4.0 spaces per 1,000 square feet. This is consistent with the parking demand rate estimated in the MTC Parking Study as well as other parking publications. This would provide adequate parking for employees, and would discourage them from parking in shorter term, retail parking spaces. Up to 60,591 square feet of additional office space is projected to be developed by 2030. A parking rate of 4.0 spaces per 1,000 square feet would provide 242 parking spaces.

With the office land uses providing 242 parking spaces in addition to the projected supply of 752 spaces, a shortfall of 566 parking spaces would occur. Based on the Downtown Specific Plan, approximately 205,390 square feet of retail development is anticipated by 2030, and includes 38,900 square feet of redeveloped retail (166,490 square feet of net-new retail).

Retail redevelopment and net-new development are required to provide additional parking capacity, and a requirement of 2.8 parking spaces per 1,000 square feet of retail development is adopted. These rates are correlated to the land uses identified in this report, and may need adjusting over time if changes to the proposed land uses occur. Figure 26 summarizes these parking requirement rates. The parking requirement rates establish the basis for payment of in-lieu fees.

City Council Goal of 92 Percent Occupancy

One possible goal of the Morgan Hill City Council is to achieve a 92 percent occupancy rate of on-street parking in 2030. To do so, 1,696 spaces would have to be provided for the forecasted commercial (retail and office) demand of 1,560 spaces. To build 1,696 parking spaces, the recommended parking requirement rates presented in Section 4.2.1, Table 11 would need to be increased to 4.4 spaces per 1,000 square feet for new office development and 3.4 spaces per 1,000 square feet for new retail development and redevelopment. These rates were not adopted, but are presented for informational purposes.

Figure 26
Downtown Parking Requirement Rates

Retail	Office	Residential
2.8 spaces / 1,000 s.f.	4.0 spaces / 1,000 s.f.	1.0 space per unit < 600 s.f. 1.5 spaces per unit >600, <1,350 s.f. 2.0 spaces per unit > 1350 s.f.

Off-Street Parking Location Strategies

Based on the spatial patterns of the parking demand and supply shortfall estimates, several areas become apparent as locales with additional parking capacity needs.

Due to the proximity and relatively similar land uses on Blocks 2, 3, 4, and 5, single or multiple off-street parking facilities forming a system of commercial public spaces in this vicinity should be considered. If one main parking facility were desired, the most central location would be within Blocks 3 or 4. However, it may not be feasible to develop a large parking supply on these blocks because of the mixed-use development planned for Blocks 3 and 4. Single or multiple parking facilities serving Blocks 2, 3, 4, and 5 should provide approximately 126 spaces with the build-out of Blocks 2, 3, and 4 (by year 2015), and an additional 40 spaces by the build-out of Block 5 (166 spaces total by year 2030). Because of the space needed to accommodate 166 parking spaces, the sites should be limited to those that can provide the most parking spaces in one consolidated location.

Because of the isolated location of Block 14 in the southwest corner of Downtown and its primarily office land use, a self supporting/on-site parking facility of up to approximately 140 spaces should be provided at this site for the commercial land uses. Residential land uses within Block 14 are assumed to provide sufficient off-street parking supply for the residents. Some parking capacity at Block 6 (public community center) may be available as a potential site and could be pursued further.

The City of Morgan Hill has identified several alternative locations for additional parking that will not only increase the parking supply to address the projected parking shortfall, but also better accommodate the existing needs of the residential and commercial uses. Funding for new parking facilities will come from the long-term parking strategies outlined above, which will to be investigated further as the Plan is implemented. The Redevelopment Agency has identified several million dollars in funding for this effort.

- **The east side of Depot Street.** The area generally between Dunne Avenue & Third Street would accommodate several narrow surface lots with diagonal parking located between Depot Street and the railroad tracks. A narrow parking structure may be able to be constructed within this right of way.

The area between Third and Fourth Streets was acquired by the City Redevelopment Agency. An interim surface lot has been constructed at location, and it provides 92 public spaces. A longer-term plan may include a parking structure at this site.

- **A joint parking structure for multi-use shared parking.** The possibility for shared parking in the Downtown area parking lot should also be considered. While a more detailed financial analysis would have to be conducted specifically for this project, the idea of sharing costs, debt service, and revenue would benefit all participating parties. The mix of uses in a Downtown lends themselves very well to a shared parking concept. Two possible locations for a multi-use shared parking lot are:

- **Caltrain/VTA parking lot.** If the existing Caltrain/VTA parking lot became a joint parking facility, the needs of weekday commuters would compliment the nighttime and weekend uses for residents and other users. If the local agencies pay for part of any new parking structure, along with Parking Assessment District and in-lieu fees, it would alleviate some of the burden to new development of providing private parking spaces. A parking structure in this location will be proximal to the Downtown core area and, in particular, to much of the future development in Downtown.

In this Specific Plan, this parking lot is identified as a potential transit-oriented residential development site, and may have a separate shared parking arrangement between the residential uses and the transit riders. This proposal may limit the potential commercial parking capacity in this location. Residential parking would need to be in a distinct area separated from commercial or transit parking to guarantee residents a parking spot, provided at a ratio to meet the minimum zoning requirement. Guest parking and any extra residential parking would be part of the shared parking pool. Transit parking could also be provided in both a guaranteed area (often called a nested parking area) as well as in the shared parking area.

Monthly pass holders, for example, would park in a guaranteed transit parking area, while other transit users would park in the shared parking area. The success of the shared parking program would be dependent upon the allocation of spaces in each distinct area as well as the turnover of spaces in the shared parking area.

- **Community and Cultural Center parking lot.** A structure at the existing CCC lot on Block 6 would provide an alternative to creating a shared parking facility with the identified residential opportunity site. A three level parking structure at the CCC lot could create a capacity of up to 570 spaces total (190 spaces per level).

In addition to the sites identified above, several other locations should be considered for potential acquisition and construction of new parking structures. Ideal locations would be centrally located to the anticipated retail redevelopment areas, and may be integrated within the new or redeveloped retail areas in the form of a parking garage with ground floor retail fronting the street. These locations may potentially include:

- Existing Lot #2 behind the Downtown Mall (Block 2)
- Within the proposed Sunsweet Site or existing Lot #24 (Block 4)
- Unpaved property adjacent to Lot #8 (Block 1)

On-Street Parking Strategies

Parking demand generated by the new developments and the displaced vehicles are anticipated to park on First, Second, or Third Streets between Monterey Road and Depot. Although observations of current conditions show that parking is available, availability at prime locations may become limited during peak parking periods. The following recommendations should be incorporated based on findings from a future monitoring program as certain benchmarks are reached.

- Adopt a parking monitoring program to track both on-street and off-street parking conditions in the Downtown area. Parking surveys should be done on a regular basis (annually) and could be paid for by the City of Morgan Hill Redevelopment Agency or by developers as part of their application process. A report similar to the 2002 Parking Survey costs approximately \$5,000 to \$10,000 to complete.
- Enforce the 2-hour parking limit in restricted spaces to discourage long-term parking, and therefore increase turnover and the availability. Visitors to a proposed movie theater would need accommodations for longer parking durations. Personnel costs in a range between \$40 and \$85 per hour depending on the officer's classification; however, parking enforcement is typically a self-funded program via the revenue generated from the parking tickets.

- Expand the 2-hour parking zones to increase turnover if monitoring reports show that parking occupancy along specific street segments is fully utilized. Adding new parking signs would cost approximately \$500 each. The additional enforcement could be a neutral cost or positive revenue. If the expansion encroaches into residential areas, a residential parking permit may be implemented to allow local residents to park in designated restricted areas for greater than the 2-hour limit.

Street Improvements

Street and streetscape improvements should be prioritized to coincide with development improvements. Because Blocks 2, 3, and 4 are projected to experience redevelopment prior to other blocks, the likely candidates for initial street improvements are Fourth Street, Second Street, First Street, Fifth Street, and Main Street.

Similarly, other roadway and infrastructure improvements should be timed to match development intensification or changes. For example, the Third Street crossing west of Monterey Road serves a small parking area. If the parking lot is used more regularly, then the timing of the bridge improvement should coincide with the increased use. The bridge should be evaluated for structural integrity, and consideration should be given to a replacement that can accommodate two travel lanes, pedestrian, and bicyclists.

References

- Bikeways Master Plan. City of Morgan Hill. Prepared by Bellinger Foster Steinmetz, Bicycle Solutions and Higgins Associates. January 2001.
- Institute of Transportation Engineers. Parking Generation. T^{third} Edition. 2003.
- The Urban Land Institute. Shared Parking. 1983.
- Morgan Hill Parking Study – Final Report. Prepared for the City of Morgan Hill. Prepared by Wilbur Smith Associates. May 30, 2002.
- Morgan Hill Downtown Plan – Evaluation of Opportunity Sites Memorandum. Prepared by Keyser Marsten Associates Inc. July 8, 2002.
- Developing Parking Policies to Support Smart Growth in Local Jurisdictions: Best Practices. Prepared by Wilbur Smith Associates. March 12, 2007.
- Parking Profile and Policy Recommendations – Morgan Hill. Prepared for MTC by Wilbur Smith Associates. June 29, 2007.

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Chapter 5: Design Guidelines

Overview

Although there are a wide range of building sizes and architectural styles in Downtown Morgan Hill, a sense of small town architecture still remains. The current mix of “Main Street” commercial structures along Monterey Road and modest homes on the side streets in the residential areas provide visual variety along with a scale and texture that is pedestrian friendly and uniquely Morgan Hill.

It is the intent of this Plan to preserve and enhance that character and pedestrian scale, while accommodating areas for redevelopment and growth in a more dense and mixed-use pattern. The guidelines outlined in this chapter will be used in the review of all proposed development projects including additions and remodels (excluding non-historic single-family homes not located on a sensitive site).

These Design Guidelines include several of the best practices provided in the Santa Clara Valley Transportation Authority’s (VTA) *Community Design & Transportation: A Manual of Best Practices for Integrating Transportation and Land Use*. This manual provides a series of best practices and case studies for developments near transit. The guidelines below are divided into the following sections:

- A. All Building Facades
- B. Mixed-Use Building Facades (CBD Zoning District)
- C. Residential Building Facades (R-2, R-3, and R-4 Zoning Districts)
- D. Block 4 Special Guidelines (including Sunsweet Site)
- E. Roofs
- F. Awnings and Marquees
- G. Bay Windows
- H. Balconies
- I. Front Porches and Stoops
- J. Outdoor Open Space
- K. Service Areas
- L. Mechanical and Electrical Equipment
- M. Landscaping
- N. Fences, Walls, and Gates
- O. Site Lighting
- P. Plazas, Pedestrian Walkways, and Courtyards
- Q. Outdoor Dining
- R. Streetscape Furniture and Amenities



New compatible commercial structures.

Site Review Permit Process and Requirements

The City of Morgan Hill requires a **Design Permit** for new construction and significant remodels in accordance with Chapter 18.74 (Design Review) of the Zoning Ordinance, excluding non-historic single-family homes not located on a sensitive site. An **Encroachment Permit** is required for any uses or improvements that involve the public right of way, such as outdoor dining on wide sidewalk areas. These Design Guidelines are intended to guide property owners and architects in the design of new buildings, exterior changes to buildings, and other improvements. Prior to issuance of any Design Permit, the decision-making body must make a finding of substantial conformance of the proposed design with these Design Guidelines. The Public Works Director in coordination with the Community Development Director has authority to approve Encroachment Permits for outdoor dining. Noticed Public Hearings shall be held for all projects subject to Design Permit requirements. The Community Development Director shall determine the appropriate process for consideration of Design Permits; smaller or more minor projects may be acted upon by staff in accordance with Chapter 18.74, while larger and more significant projects should be referred to the Planning Commission or City Council. Any Design Permit which involves Redevelopment Agency or City-owned sites, or for which the RDA is entering into an Agreement to assist with the development, should be acted upon by the City Council, after receiving a recommendation from staff and/or the Planning Commission, as determined by the Community Development Director (minor projects may be approved by staff).

Basic Design Principles

These guidelines below are based on the following basic design principles. In the event that the guidelines in this document do not directly address a specific condition, City Staff and the relevant commissions and boards will use these principles to determine the appropriateness of proposed plans and architectural designs.

#1 Buildings should reflect the character of Downtown Morgan Hill.

Existing buildings in Downtown are relatively small in scale due to the small parcel sizes. New buildings should maintain the rhythm of parcel width, building breaks, and facade articulation. As a general rule, facade articulation and/or building breaks should occur at approximately 40 to 50 foot intervals, wherever feasible. Projects on larger or combined parcels should reflect this design pattern and should be broken up in form to avoid looking like a single project.

#2 Buildings along Monterey Road and Third Street should be designed in an architectural style compatible with traditional Main Street buildings.

Characteristics of traditional Main Street buildings include parapets with projecting decorative cornices, large ground floor display windows, deep-set upper floor windows, and decorative architectural details. Newer buildings are encouraged to include these elements to blend with the existing character, but may do so in a way that creates a more modern feel. It is not the intent of this principle to recreate historic structures, but rather to design buildings that share a similar character and create a harmonious district.

#3 Structures and landscaping on neighborhood streets west of Monterey Road (i.e., West First, Second, Third, Fourth, and Fifth Streets) should be visually compatible with the existing small-scale residential character of the area.

Since some existing residences will remain, either as residences or structures converted to commercial or office uses, the maintenance of visual compatibility will be very important. New buildings or expanded existing residential structures should not visually dominate the area.

#4 Buildings should provide a visual continuity of display windows along with architectural and landscape details to provide an interesting environment for pedestrians.

In commercial areas with buildings at or near the sidewalk, visual continuity is essential to the vitality of the street. Large display windows for product display are strongly encouraged, along with a richness in architectural detailing.

On side street areas with residential character buildings set back from the sidewalk, interesting building entries and architectural detailing are strongly encouraged. These areas also offer the potential for including visual richness through the use of landscape elements such as picket fences, trellis entries and residential landscaping (e.g., roses.)

#5 Each structure should be uniquely designed for Downtown Morgan Hill.

Stock designs and franchise architecture will not be accepted as a substitute for thoughtful designs based on the structure's use and location.

#6 Signage should be appropriate to location and building character.

Signage should be pedestrian-oriented. Large, aggressive and redundant signage is strongly discouraged. See Chapter 6 (Signage Guidelines) for specific guidelines associated with signage.

#7 All buildings and remodelings should utilize high quality materials and craftsmanship.

Exterior materials that will weather well over time are strongly encouraged, and all signs should be professionally fabricated and applied.

#8 All streets should be designed to balance safety and aesthetics.

All streets should be designed to balance pedestrian safety, aesthetics and the supply of on-street parking. All streets in Downtown should be designed to keep traffic traveling at safe speeds and to be pedestrian and bicycle friendly.

A. All Building Facades

DG-A1. Construct buildings with both solid surfaces and window openings.

Facades shall be designed with both solid surfaces and window openings to avoid the creation of blank walls or glass curtain walls. Blank walls on all facades that front a street, plaza, or other public spaces are strongly discouraged.

DG-A2. Provide distinctions between each floor.

Facades should provide a clear visual distinction between each floor, except where a floor is built into the roof form.



A clear visual distinction between each floor is provided.

Windows and solid surfaces are balanced on the facade, avoiding the creation of blank walls.



Blank walls and facades are strongly discouraged.

DG-A3. Design external stairways to complement the buildings.

Stairways should have a design that is compatible with overall structure. Stairs shall not have a tacked-on appearance or look like their design was an addition or afterthought. Stairways on front facades are discouraged.

DG-A4. Design the sides and rear of buildings to complement the front facade.

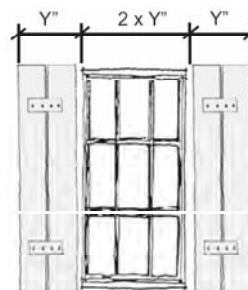
All sides of the facade shall be designed with similar architectural elements, materials, and colors as the front facade. However, the design of side and rear facades may be simpler, more casual, and more utilitarian in nature.



Appropriate relationship between front facade (left) and rear facade (right) is strongly encouraged.

DG-A5. Shutters should be designed to enclose the entire window or door.

If used, window and door shutters should have a width that would enclose the entire window or door opening when the shutters are closed.



When closed, the shutters would enclose the entire window.

DG-A6. Building modifications should use the same materials, details, and color as the rest of the building.

If a portion of an existing building is modified or if a building addition is constructed, it should use the same building materials, details, and color applications as the rest of the building. For example, if a portion of a brick facade with wood-framed windows and doors is modified, the modified portion of the facade shall use bricks, details, and wood-framed windows and doors that are compatible with the other parts of the building.

Original Structure:



Discouraged Addition to Structure:



Encouraged Addition to Structure:



DG-A7. Limit the number of building materials used on the facade.

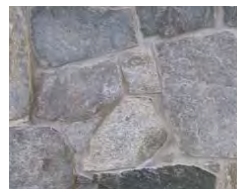
As a general rule, no more than 3 different types of materials should be used on a single facade.

DG-A8. Use appropriate materials.

Materials that are consistent with local vernacular architecture, as well as those that are indigenous to the region are desired. Finish materials that give a feeling of permanence and quality and that have relatively low maintenance costs are strongly encouraged. Appropriate building materials that are encouraged on facades as primary materials include:

- brick,
- stone,
- tile,
- stucco or plaster,
- painted or stained wood siding or trim,
- wood or metal frames for windows and doors, and
- wood, metal, and glass doors.

Examples of appropriate facade building materials:



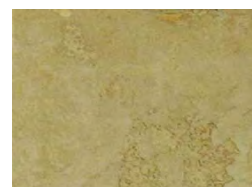
Stone



Brick



Wood



Stucco/Plaster

DG-A9. Avoid inappropriate building materials.

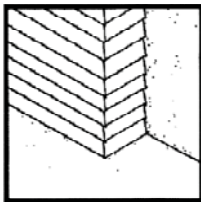
Inappropriate building materials that are discouraged on facades include:

- plywood,
- unfinished lumber,
- corrugated fiberglass,
- small tiles,
- shingles,
- cultured stone,
- rough finish materials,
- vinyl or aluminum siding,
- corrugated metal,
- reflective materials, and
- manmade building materials (other than hardie board) that are intended to simulate natural products/materials.

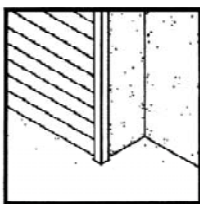
DG-A10. Changes in material should generally occur when there is a change in the plane of the facade.

If possible, the change in materials and color should occur on inside corners of the building. If a change is proposed along the line of a single plane, a pronounced expansion joint should be used to define a clear separation.

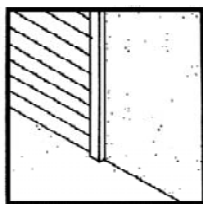
Encouraged:



Discouraged:



Permitted:



DG-A11. Facades should have finishes and colors similar to those found on traditional buildings in Morgan Hill.

Painted building surfaces should have a matte finish. Trim work may have a glossy finish.

DG-A12. The natural colors of brick and stone material should be maintained.

These materials should not be painted or glazed.

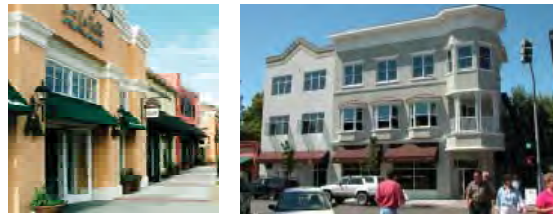
DG-A13. Muted and soft colors are encouraged.

Extensively bold, bright, fluorescent, and neon colors should be avoided. If used, extensively bold, bright, fluorescent, and neon colors should only be used as accent colors on window and door frames, building trim, and details.

DG-A14. Limit the number of colors used on facades.

Color applications on a facade should generally be limited to one or two main colors and two to three accent colors that complement the main color(s) of the structure.

Examples of appropriate use of color:



Example of inappropriate use of color:



DG-A15. Window openings should have vertical orientation and proportion.

Window openings should be taller than they are wide to reflect the traditional building characteristics of Downtown.

DG-A16. Basic and simple window shapes are encouraged.

Window shapes should be basic and simple to reflect the traditional building characteristics of Morgan Hill.

DG-A17. Follow the Secretary of the Interior's standards when renovating or modifying historic buildings.

When renovating or modifying historic buildings listed on the National Register of Historic Places or of local significance, the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings should be used.

B. Mixed-Use Building Facades (CBD Zoning District)

The CBD zoning district, primarily along Monterey Road and East Third Street, is an important retail and restaurant district that will strongly influence the economic viability and the image of Downtown Morgan Hill. The intent in this area is to provide continuity of storefronts with attractive display windows; restaurants with an open and inviting character; architectural styles and details that are traditional in character; and upper floor office and residential uses that are attractive in appearance and contribute to the visual attractiveness of downtown.

DG-B1. Design Articulated Facades.

Street facing building facades, as well as all facades that front a plaza or pedestrian walkway, shall be articulated to improve the quality of the design. Appropriate methods of articulation include, but are not limited to:

- increasing the number and/or size of window openings,
- creating a defined building cap or roofline,
- providing stylized windows and doors,
- creating a defined base for the building,
- providing three-dimensional expression lines (vertical and horizontal) between the floors of the structure and around storefronts and window openings,
- adding depth and detail to the cornice or roof parapet, and
- recessing storefronts and windows into the facade to create depth and cast shadow patterns.



Appropriate relationship between windows on ground floor and upper floors.

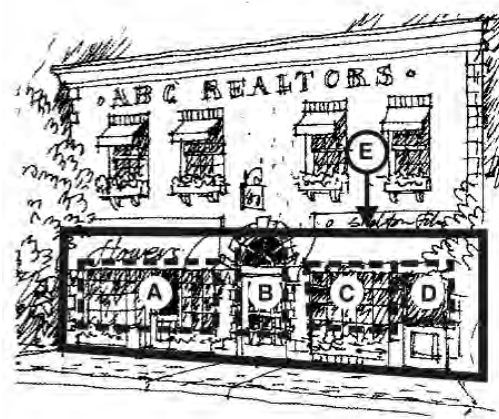


Examples of buildings with appropriate articulation.

DG-B2. Provide ground-floor storefront windows and vertically oriented upper-floor windows.

The ground floor facade should have more area dedicated to transparent window and door openings than the upper floors. Front building facades, as well as all facades that front a plaza, or pedestrian walkway, should be designed with:

- Ground floor storefront windows and doors that utilize clear transparent glass in order to provide clear views of storefront displays from the street and to allow natural surveillance of the street and adjacent outdoor spaces. Mirror and tinted glass is prohibited.
- Buildings that maintain a minimum of 60 percent transparent glazing along primary store frontage up to eight feet above grade. In the example to the right $A+B+C+D$ should equal at least 60 percent of E . Blank walls over 10 feet long should be avoided on primary frontages and for the first 50 feet from Monterey Road and Third Street along other public streets.



- Upper floor window openings that have a vertical orientation and proportion. Mirror and tinted glass is prohibited on upper floor facades.

DG-B3. Emphasize display windows and storefront entries.

- Interesting storefronts with prominent display windows are strongly encouraged. Traditional storefronts with bulkheads below the windows and glass on both the street front and the sides of the vestibule are desirable. However, larger and more contemporary display windows are also acceptable. Window proportions should generally reflect traditional storefront windows with proportions that are horizontal or approximately square.
- Display window lighting is strongly encouraged to improve the downtown's nighttime image and vitality. Examples include shielded or recessed spotlights to highlight display merchandise or pin lights used to define the outline of the windows.
- Entry doors should be selected to complement the design of the storefront and reflect the special personality of the business. Dutch doors, which have top halves that may be left open, are one good way to project a friendly, customer-oriented image.
- Planter boxes below windows and adjacent to windows are strongly encouraged. These generally add to the personality of downtown and provide seasonal color.



Mirrored and tinted glass is prohibited



Appropriate storefront windows.

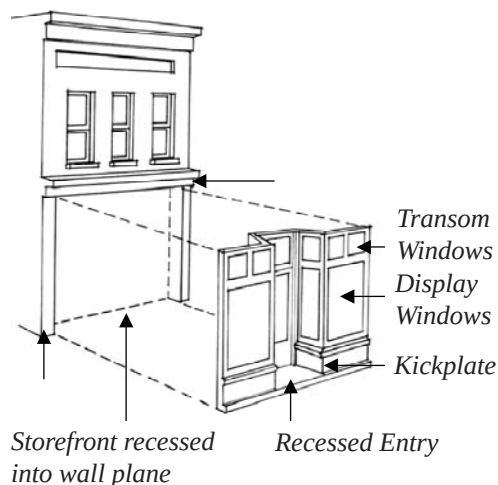
DG-B4. Create a continuous street wall.

Buildings should provide continuous facades along the street edge to create an interesting pedestrian environment. Breaks in the street wall may occur in areas where buildings have a setback to accommodate outdoor seating or other uses. At these locations, the outdoor space should meet the sidewalk at the same point as surrounding buildings to maintain the appearance of a street wall. At locations where driveways are required for access, such as along Third Street to accommodate parking for buildings fronting Monterey Road, side setbacks should be provided to allow sidewalks and landscaping adjacent to the driveways.

DG-B5. Design storefronts with traditional “Main Street” elements.

Elements of traditional “Main Street” storefronts are encouraged. These elements include:

- recessed entry door(s),
- display windows,
- kickplate or bulkhead, and
- transom windows.



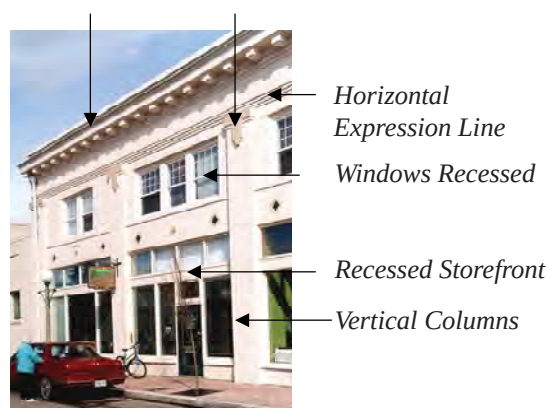
DG-B6. Provide architectural details to enhance the visual interest of facades.

Projecting cornices with interesting detail appropriate to traditional Main Street commercial buildings should be used to establish a finished top to facade walls. Other architectural details should add visual richness to street facades. Examples include bay windows, decorative belt courses, moldings around windows, and planter boxes with flowers under windows.

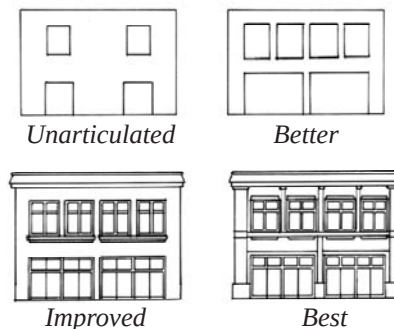
DG-B7. Building articulation features are encouraged.

Three-dimensional wall projections, horizontal expression lines, building columns, details and cornice treatments are encouraged on facades.

Cornice Treatment Details

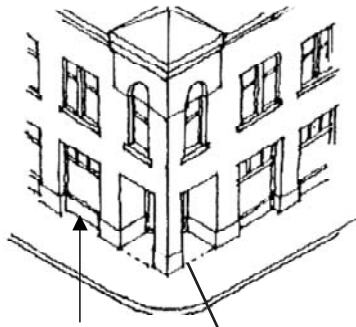


Building facades should be appropriately articulated:



DG-B8. Provide special accent design elements for corner buildings.

Corner pedestrian entries and design elements, such as towers, are desirable at street corners. Such elements provide a visual terminus to street frontages and a visual transition between Monterey Road, Third Street, Depot Street and side streets.



Structural bays and corner treatment

DG-B9. Design structural bays and recessed storefronts on ground floor facades.

Recessed storefront and structural bays are encouraged on ground floor facades. Storefronts should be recessed by at least 6 inches. The width of structural bays and storefronts should not exceed their height. Building piers, columns, cornices, and horizontal expression lines are encouraged to better define this space.

DG-B10. Provide upper floor and secondary entrances and windows.

Entries to upper floor uses should be located on facing streets or on landscaped pathways with direct access to the street. The entries should be distinctive and well defined with elements such as attractive doorways and sidelights, awnings, carriage lights, planters with flowers, appropriate signage, etc.

Upper levels should be designed with a distinctive character and design elements that will relate the upper levels to the street and provide visual interest. These elements might include bay windows, projecting balconies with landscaping and French doors, and awnings over the windows. Window proportions on the upper levels should generally be smaller than ground floor windows and vertical in proportion.

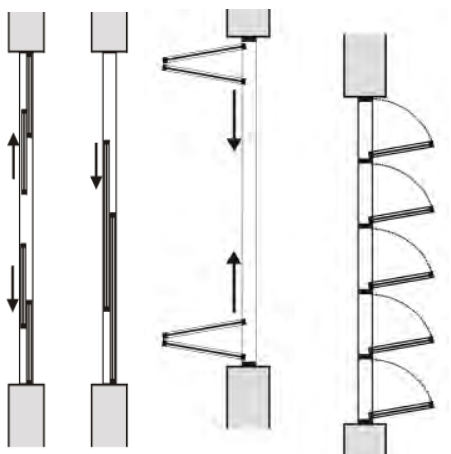
Secondary entrances and windows are strongly encouraged on rear facades that are adjacent to parking facilities.

DG-B11. Operable windows and French doors are encouraged for restaurants.

Restaurants with an indoor-outdoor character offer an opportunity to bring increased vitality to the street, and are especially appropriate given the pleasant climate of Morgan Hill. Window types and proportions should be complementary to the architecture and design of the facade. A variety of examples of operable restaurant facade windows are shown below and to the right. These are strongly encouraged along Monterey Road and Third Street.



Restaurant operable window.



Operable window options.

DG-B12. Provide off-street courtyards.

Courtyards that can accommodate smaller retail tenants, service commercial shops, and restaurants provide increased business opportunities and more pedestrian traffic along the street frontages. These are especially effective along major pedestrian corridors such as Monterey Road and Third Street. Courtyards should have good linkages and pleasant landscaped entries from the street.



Example of an off-street courtyard.

DG-B13. Facade Rehabilitation.

Remodeling existing buildings offers an opportunity to bring the overall building up to current standards and to improve the appearance of all facade elements. Encouraged improvements include:

- Cleaning and repairing all facade elements,
- Upgrading storefronts with attractive display windows and entry doors,
- Installing new business signs and removing any old or redundant signage, and
- Installing planter boxes below display windows and/or adjacent to entries.

DG-B14. Railroad Corridor Special Guidelines.

The following guidelines apply to new development on parcels adjacent to the railroad corridor.

- Entries on Blocks 7 and 8 should be oriented to Depot Street. To enhance the pedestrian qualities of the street and to activate the street, new structures should be strongly related to the street and provide visual surveillance of the sidewalk and street.
- Projects located on parcels adjacent to the railroad shall comply with the noise and vibration mitigation measures contained in the Mitigation Measures section of Chapter 8, Implementation.

C. Residential Building Facades (D-R2, D-R3, and D-R4 Zoning Districts)

This area between Monterey Road and Del Monte Avenue, excluding the Monterey Road frontages, currently contains a predominance of small residential structures. The existing scale and character should be preserved with new development. For areas in which the zoning designation is proposed to increase (i.e. the existing designation is R-2 and the proposed is R-3), some exceptions will be permitted in order to accommodate the additional densities permitted.

DG-C1. Provide overhanging roofs.

Overhanging roofs are strongly encouraged to delineate the top of the facade and to cast shadow patterns on residential buildings.

DG-C2. Design facade articulation within public view.

Street facing building facades, as well as all facades that face a plaza, park, or public space, shall be articulated to improve the quality of the design. Appropriate methods of articulation include, but are not limited to:

- offsetting or changing the direction of the wall plane by adding a building wing,
- increasing the number of window openings,
- balancing window openings on the facade to avoid blank areas on the wall surface,
- using more than one material, texture, or color to break up the mass of the facade,
- stepping back upper stories,
- using traditional building forms, such as bay windows,

porches, and dormers,

- utilizing compatible architectural details to reduce the scale and mass of buildings, and
- providing overhanging roof eaves that created depth and cast shadow.

DG-C3. Reflect the architecture of Morgan Hill in new buildings.

Building styles, forms, materials, and colors that reflect the region's vernacular residential architecture are encouraged on residential buildings. Materials should include wood or stucco. Roofs should be pitched in form with overhangs of at least 2 feet. Porches are encouraged and may encroach into the front setback up to 7 feet. Additions, remodelings, or new buildings should not be boxy in form and/or consist of plain or unarticulated building elements. The intent of this guideline is not to recreate exact replicas of historic or traditional building, but rather to create new buildings that reflect and honor the character and image of the



Residential facade with appropriate level of articulation and decorative elements.

region.

DG-C4. Single-family residences with building heights of three stories should incorporate varying rooflines and roof designs to break up the mass of the structure.

Single-family residential projects located in predominantly residential areas with third story space should employ techniques to ensure a human scale and appropriate relationship to its surroundings. For example, third story space could be integrated into the roof form of the structure.

DG-C5. Provide small-scale decorative elements.

Decorative roof and porch brackets, detailed porch railings, flag brackets, infill shingles on gable ends, wind vanes, and other traditionally residential detail elements are encouraged to add visual richness and pedestrian interest to the area.

DG-C6. Construct additions to the rear or side of the existing building.

Any additions to existing buildings should be to the rear of the existing building or to the side if setback limitations allow. New structures should be set back a distance to complement the setbacks of structures on nearby lots.

DG-C7. Design accessory building facades to match the main building facade.

The facades of detached garages and other accessory buildings should be designed with similar materials, colors, and details as the main residential building.

D. Block 4 Special Guidelines (Including Sunsweet Site)

Block 4 (which includes the “Sunsweet Site”) is unique in its location and importance to Downtown Morgan Hill. Its Third Street frontage faces a new planned commercial and activity area while its Fourth Street frontage faces smaller scale buildings and some residential uses. This Specific Plan will supercede the existing Planned Unit Development (PUD) that was adopted for the site in 2005. The following guidelines serve to supplement the other guidelines in this chapter for this particular block.

DG-D1. Construct appropriate uses.

Ground floor uses along Third Street and at the corner of Third and Depot Streets should be limited to retail shops, restaurants, bars, shops serving rail commuters, and entries to upper floor uses. Restaurant uses are strongly encouraged along this frontage. Fourth and Depot Streets should be lined with residential units, such as apartments, condominiums, or townhomes, although additional non-residential uses along Depot Street would be permissible. Unit or apartment entries may be directly oriented to the street, but should be located elsewhere in order to provide a retail emphasis to the Third Street frontages.

DG-D2. Construct appropriate buildings.

Buildings shall be a minimum of 2 stories in height and a maximum of 4 stories within certain blocks. 4 stories are allowed on large sites of at least 22,000 square feet; a Planned Development rezoning would need to be approved for heights over 4 stories. Any fourth floor shall be stepped back in accordance with the development standards for the CBD

zoning district (see Chapter 2: Land Uses and Development Standards).

DG-D3. Ground Floor Retail

Ground-floor retail building space shall be at least 50 feet deep and may be up to 100 to 120 feet deep, in accordance with the GFO minimum retail depth standard (see CBD/GFO Site Development Standards and Figure 6 in Chapter 2: Land uses and Development Standards).

DG-D4. Provide a high quality design.

Due to the relatively large size of this site, any development should be constructed to look like it is multiple developments rather than one larger development. Facade articulation should keep with the prevailing pattern of approximately 40 to 50 feet in width. The design should reflect traditional “Main Street” buildings and the characteristics of Downtown Morgan Hill.



Examples of buildings with high quality design and appropriate relation to the street.



DG-D5. No customer or resident parking entrances along Third Street.

Parking entries should be primarily oriented to the center of the development or on Depot Street. Minor parking entries may be oriented to Fourth Street. Parking entries along Third Street for customers and/or residents are not allowed; any entry from Third Street is to be limited to service vehicle or secondary purposes and only if no better feasible options exist.

DG-D6. Provide public parking.

Public parking should be constructed on the western portion of the site behind parcels fronting on Monterey Road. It should allow easy movement from this lot to adjacent lots and should provide pedestrian access to Third Street and allow for pedestrian access to Monterey Road when new development occurs along that frontage.

DG-D7. Design a consistent roof design for the entirety of each building.

The Sunsweet project on the site should employ roof designs that break up the mass of development. Different roof designs for separate buildings on the site may be used in order to create a sense that the whole site is a collection of building projects rather than one single large development project.

E. Roofs

DG-E1. Construct roofs that are compatible with the building's character.

Roofing forms and materials should be compatible with the overall style and character of the structure and Downtown Morgan Hill.

Appropriate types of roof materials include:

- slate shingles,
- galvanized metal,
- non-reflective aluminum and zinc alum,
- asphalt shingles,
- dimensional shingles, and
- other materials of similar quality, durability, and character to those listed above and approved by the Community Development Director or Design Permit.

Vinyl, plastic, fiberglass, and plywood roofing materials are discouraged.



Examples of appropriate roof materials.

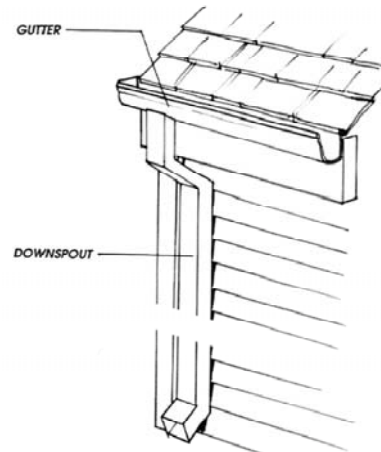
DG-E2. Design a consistent roof design for the entirety of each building.

A relatively consistent roof design (including overhangs, pitch, fascia, materials, and eaves) should be provided on all sides of a building. Large sites should employ roof designs that break up the mass of development. Different roof designs for separate buildings on the site may be used in order to create a sense that the whole site is a collection of building projects rather than one single large development project.

DG-E3. Construct gutters and downspouts that are compatible with the building's character.

All roofs shall be designed with gutters and downspouts to prevent water damage to buildings and to protect pedestrians and adjoining properties from dripping water. The design, materials, and color of gutters and downspouts should be compatible with the overall style and character of the structure. Gutters and downspouts shall be painted to match either the trim or body color of the building. Appropriate materials for gutters and downspouts include:

- aluminum,
- galvanized steel,
- PVC, and
- other materials of similar quality, durability, and character to those listed above and approved by the Community Development Director or Design Permit.



Example of gutter and downspout.

DG-E4. Minimize the public view of downspouts.

Whenever possible, downspouts should be located in the least conspicuous location, such as the rear or side facades of the building.

DG-E5. Screen rooftop mechanical equipment from public views.

Mechanical equipment on roofs shall be screened from public views from all sidewalks, plazas, parks, public spaces, and pedestrian walkways. This guideline applies to all buildings in downtown.

DG-E6. Design appropriate roof overhangs.

Roof overhangs, such as cornices, and eaves, may extend out from the facade of the building. However, roof overhangs shall not extend over a neighboring parcel.

DG-E7. Paint vent pipes to minimize public view.

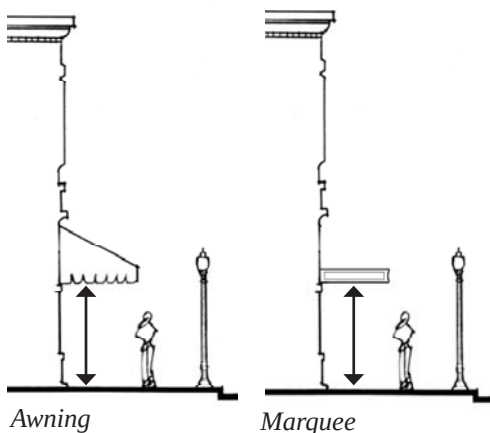
Vent pipes that are visible from streets, sidewalks, parks, plazas, and pedestrian walkways shall be painted to match the color of the roof to make them less conspicuous.

F. Awnings and Marquees

DG-F1. Construct appropriate awnings and marquees.

Awnings and marquees should only be used on mixed-use buildings. The following standards apply to projecting awnings and marquees:

- The valance, or front face, of an awning should not exceed 18 inches in height so it will not dominate the building facade.
- Awnings and marquees should not obscure views into storefront display windows or cover architectural expression lines or details.
- Generally use sloped front awnings that are visually compatible with awnings on adjacent storefronts. End panels returning to the building face are optional.
- There must be a minimum vertical clearance of 8 feet from the bottom of the awning or marquee and the ground.
- Awnings may have signs. See Chapter 6 (Signage Guidelines).



8 feet minimum clearance required between the bottom of the awning or marquee and the ground.

DG-F2. Use compatible materials.

Fabric awnings on painted tubular metal frames are strongly encouraged. Metal awnings and canopies, shiny fabrics, and backlit awnings that visually appear as large light sources should be avoided. Marquees should be constructed of:

- finished and painted wood,
- wrought iron,
- or other materials of similar durability, quality, and character that are approved by the Community Development Director or Design Permit.

Glossy or plastic materials are strongly discouraged.

DG-F3. Use multiple awnings instead of one large awning.

Multiple awnings located above storefronts are encouraged rather than a single awning that covers all storefront openings on the building. All awnings on a building should have a consistent design, color, and placement pattern.



Large awnings (left) are discouraged.

Instead, use multiple smaller awnings (below).



DG-F4. Use compatible materials.

Awnings should have basic and simple color patterns, such as one solid color or a vertical striping pattern with two colors.

DG-F5. Construct awnings with an appropriate height.

The height of the awning should be approximately $\frac{1}{3}$ to $\frac{2}{3}$ the depth of the awning.

G. Balconies

DG-G1. Construct appropriate balconies.

The following standards apply to projecting balconies:

- Balconies may be open or covered with a roof or upper story balcony.
- The distance between roof-supporting columns, piers, or posts on balconies shall not exceed their height.
- There must be a minimum vertical clearance of 8 feet from the bottom of the balcony and the ground.



Examples of appropriate balconies.

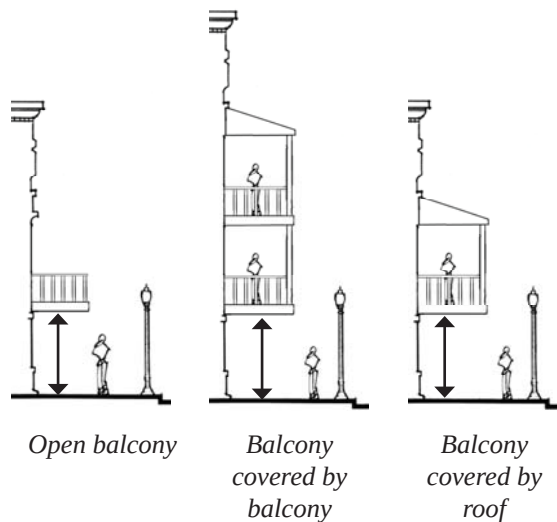
DG-G2. Use compatible materials.

Appropriate materials for balconies include:

- wrought iron,
- wood trim,
- finished and painted wood and wood trim, and
- other materials of similar quality, durability, and character to those listed above and approved by the Community Development Director or Design Permit.

DG-G3. Construct high quality balconies.

The design of balconies, including railings, balustrades, posts, columns, details, and roof covering, should be compatible with the overall style and form of the building. The balcony should not have a tacked-on appearance or look like it was an addition or afterthought. The sides of balconies should be designed with posts, railings, and balustrades rather than a solid wall plane.



8 feet minimum clearance required between the bottom of the balcony and the ground.

H. Bay Windows

DG-H1. Construct appropriate bay windows.

The following standards apply to projecting bay windows:

- The maximum width of a bay window shall be 8 feet.
- Upper floor bay windows on mixed-use buildings may encroach into the public right-of-way up to 3 feet along 25 percent of the street frontage.
- There must be a minimum vertical clearance of 8 feet from the bottom of the bay window and the ground.
- For facades with multiple bay windows, at least four feet should be provided between each bay window if the bay extends into the public right-of-way.
- Windows shall be provided on all sides of the bay window. Windows shall have a vertical orientation and proportion.

DG-H2. Use compatible materials.

The design of bay windows should be architecturally compatible with the other buildings on the site and their design should use similar forms, materials, and colors.



Examples of bay windows on mixed-use buildings.

I. Front Porches and Stoops

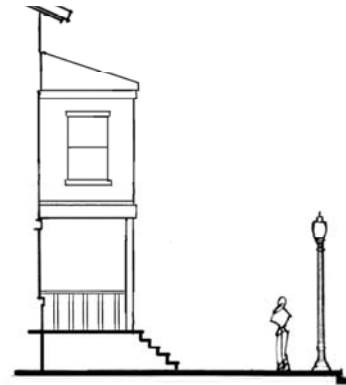
DG-I1. Construct appropriate front porches and stoops.

The following standards apply to front porches and stoops:

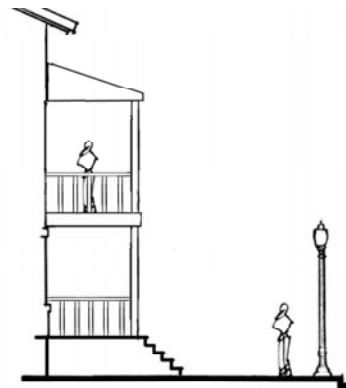
- Front porches and stoops should not be enclosed on the ground floor by permanent or temporary walls, windows, window screens, or plastic or fabric materials.
- Front porches and stoops may be covered with a roof, a upper-floor balcony, or an enclosed upper-floor habitable space. However, an enclosed habitable space shall not occur within a front, side, or rear setback.
- The spacing of supporting columns, piers, or posts on front porches and stoops should not exceed their height.
- The raised platform of a front porch (not including stairways) should be at least 50 square feet in size with no one dimension less than 6 feet in length.
- The raised platform of a stoop (not including stairways) should be at least 25 square feet in size with no dimension less than 5 feet in length.

DG-I2 Design compatible front porches and stoops.

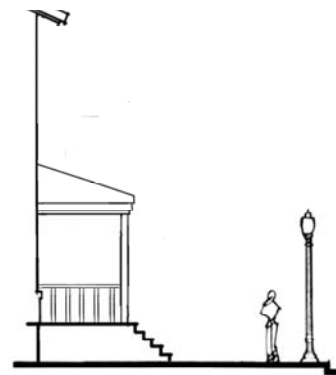
The design of front porches and stoops should be architecturally compatible with the other buildings on the site and their design should use similar forms, materials, and colors.



Porch/stoop covered by an enclosed habitable space



Porch/stoop covered by a balcony



Porch/stoop covered by a shed

J. Outdoor Open Space

DG-J1. Construct appropriate open space areas.

If provided, outdoor open spaces shall be designed to enhance the site and/or building as a place for pedestrians. Outdoor residential open space should include:

- outdoor seating,
- trash and recycling receptacles,
- a combination of landscaping and paved surfaces,
- pedestrian scaled lighting, and
- amenities or features that encourage people to gather. Such features include (but are not limited to) outdoor dining areas, outdoor fireplaces, barbecue facilities, public art, fountains, kiosks, planters, spas/hot tubs, and pools.

DG-J2. Design open spaces to be used throughout the year.

Outdoor open spaces should be useable throughout the year.

DG-J3. Construct open spaces to take advantage of views.

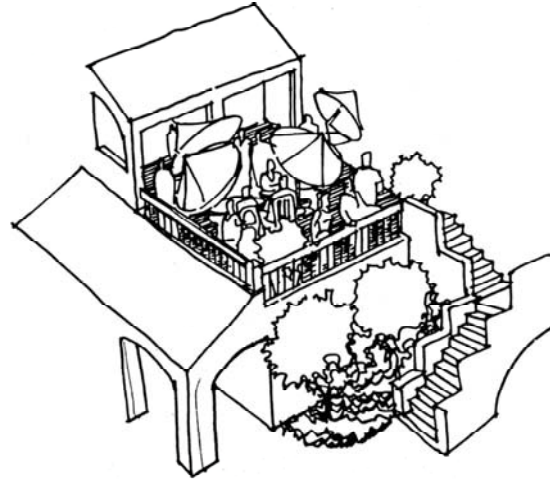
If provided, outdoor open spaces should be located or oriented on the site or building to take encourage pedestrian activity and to provide views of public spaces and streets, hills, and Upper Llagas Creek.

DG-J4. Design outdoor open spaces with a sense of enclosure.

Enclosure can be provided by locating the space between buildings or by defining the space with landscaping and wall features. Outdoor structures, such as pergolas and gazebos can also create a sense of enclosure within the space.

DG-J5. Provide connections between open spaces on adjacent parcels.

Outdoor open spaces on adjacent parcels should be connected and shared to create a large more attractive space.



Example of outdoor open space.

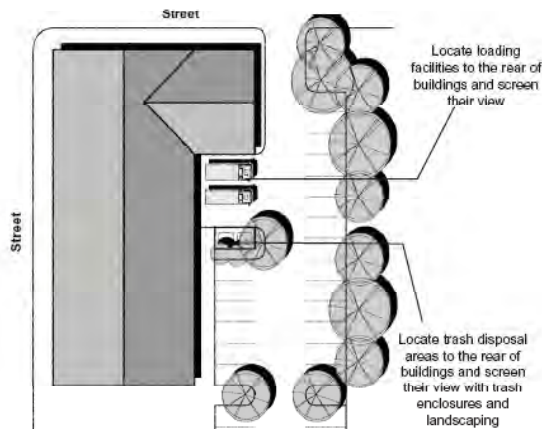
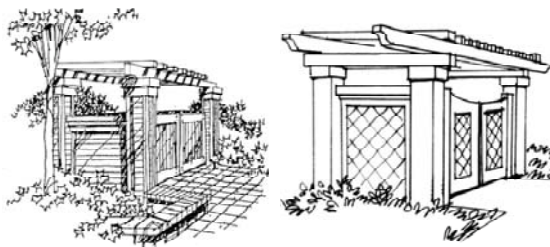
K. Service Areas

DG-K1. Construct service areas away from public view.

Trash disposal areas shall be screened from public views from all sidewalks, streets, plazas, and public spaces. Trash enclosures shall be used to store outdoor garbage containers or dumpsters. Trash disposal areas and shipping and receiving areas shall not be permitted along the street frontage.

DG-K2. Design compatible trash enclosures.

The design of trash enclosures should be architecturally compatible with the other buildings on the site and their design should use similar forms, materials, and colors.



Trash disposal area should be located to the rear of buildings and screened from public view.

L. Mechanical and Electrical Equipment

DG-L1. Construct service areas away from public view.

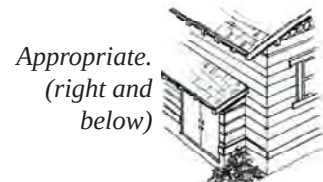
The following shall not be located within the public right-of-way and shall be screened from public views from streets, pedestrian walkways, sidewalks, plazas, and public spaces:

- electric and water utility meters,
- power transformers and sectors,
- heating/ventilation/cooling equipment,
- irrigation and pool pumps,
- satellite dishes greater than 18" in diameter,
- antennas,
- rooftop mechanical equipment, and
- other mechanical equipment.

Appropriate methods of screening include fencing, landscaping, roof parapets, and equipment enclosures. The design of screening devices shall be compatible with the main structure and conform to other sections of this Specific Plan. Noise levels of mechanical equipment shall be minimized. All utility and communication lines serving the site shall be underground.



Inappropriate.



*Appropriate.
(right and below)*



M. Landscaping

DG-M1. Provide landscaping in appropriate areas.

The following areas shall be landscaped and regularly maintained to be free of weeds, overgrown vegetation, and litter:

- unpaved portions of the site that are visible from public streets, sidewalks, plazas, and other public spaces,
- common outdoor areas within any development, and
- private and public surface parking lots.

DG-M2. Provide a variety of vegetation.

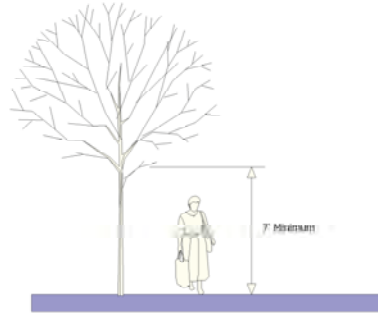
Landscaping treatments should include a combination of trees, grasses, shrubs, and flowering plants.

DG-M3. Avoid over-spray from automatic irrigation systems.

Automatic drip irrigation systems shall not produce over-spray on surfaces outside the planting area.

DG-M4. Provide at least 7 feet of vertical clearance between branches and sidewalk.

In order to provide adequate pedestrian clearance, trees shall be pruned regularly so that there is at least 7 feet of vertical clearance between the lowest branches of the tree and the grade of the adjacent sidewalk or pedestrian walkway. They shall also be pruned to maintain the health, vigor, and natural shape of the tree, and to maintain vehicular clearance and sight lines.



7 feet minimum clearance.

DG-M5. Construct an adequately sized planting area for all trees.

The size of the planting area shall be based on the amount of room needed for tree roots. Root barriers shall be used when trees are planted near pedestrian walkways and sidewalks.

DG-M6. Replace mature significant trees removed from the site.

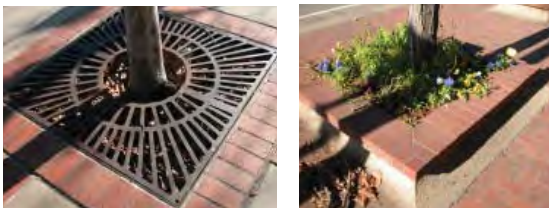
Significant trees and tree communities should be preserved whenever feasible. Removal of significant trees or tree communities from the site must be approved by the Community Development Department through a permit process, as described in Chapter 12.32 (Restrictions on Removal of Significant Trees) of the City's Municipal Code. When significant trees or tree communities are removed from a site, they should be replaced with new trees or tree communities (on- or off-site) in accordance with any conditions of approval and with Chapter 12.28 (Tree Planting Plan).

DG-M7. Maintain landscaped areas.

All landscaping shall be maintained in a healthy and attractive state and shall be watered, weeded, generally maintained, and replaced (if necessary) by the property owner/property manager.

DG-M8. Construct tree wells and grates for trees near a pedestrian walkway or plaza.

Trees placed within a courtyard, plaza, or pedestrian walkway shall be placed within tree wells covered by tree grates. Trees planted in front of mixed-use, retail, or office buildings should be planted in tree wells with metal tree grates or in planters similar to those along Monterey Road. Trees planted in front of residential buildings should be planted in a parkway (grass strip between the sidewalk and the curb). Parkway should be at least 5 feet wide.



Tree grates and planters are encouraged.

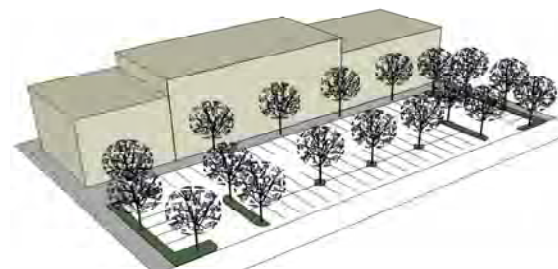
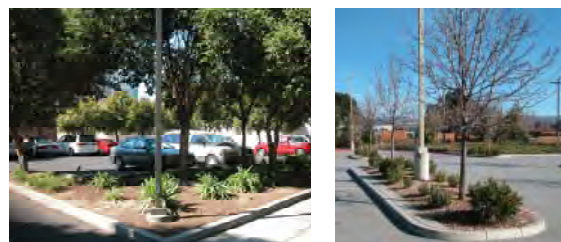
DG-M9. Surface parking lot landscaping.

All surface parking lots should be designed with the following landscaping features:

- Landscaped planters should be located between public sidewalks and parking lots. Landscaped planters should be at least 5 feet wide and should be planted with a combination of shrubs, trees, and flowering plants. Planter walls should be limited to a height of 24".

- Trees may be planted in landscaped planters, tree wells in pedestrian walkways, and/or diamond shaped planter boxes located between parking rows. Diamond-shaped planter boxes and tree wells should be at least 5 feet square. Tree grates and root guards shall be required for trees planted within pedestrian walkways.
- Ground cover, low-lying shrubs, and trees shall be planted within the planters and planter boxes. Tree grates or landscaping may be used in tree wells located within pedestrian walkways.
- Tree grates and tree staking should be inspected annually and adjusted as necessary to maintain the health of the tree.

Exceptions to these standards may be made if the Community Development Director or Design Permit decides the lot is too small to or it is otherwise not feasible to provide all the above features.



Examples of landscaped parking.

DG-M10. Plant appropriate trees near parking areas.

The Community Development Director or Design Permit shall approve all trees used around parking areas, including parking lots and on-street parking areas. Trees that do not drop heavy cones, sap, fruit, and seedlings should be selected to minimize potential damage to cars in the parking areas.

DG-M11. Construct public art in landscaped areas.

Public art and interpretative heritage plaques and kiosks should be incorporated into landscaped areas to highlight Morgan Hill's unique history and heritage.

DG-M12. Construct flowerpots and planter boxes.

Flowerpots and planter boxes are encouraged to add color and variety to the landscape. Flowerpots and planters are encouraged on porches, second-story balconies, and below windows. Flowerpots may also hang from porch overhangs and columns of posts. All flowerpots and planter boxes should be compatible with the architecture style of the building.

DG-M13. Design appropriate landscaping.

Properties should be landscaped with indigenous or drought-tolerant plants and trees that can grow in the microclimate of Downtown Morgan Hill. Plants and trees should be adaptable to the site's location, soil,

and solar orientation.

DG-M14. Design developments to incorporate mature landscaping.

When feasible, mature and healthy trees, landscaping, and natural site features should be preserved and incorporated into the design of the site and building.

DG-M15. Construct service areas away from public view.

Special design features should be incorporated into the design of parking lots. Appropriate features include:

- decorative paving at parking lot entrances and pedestrian walkways,
- the use of porous or pervious surfaces, which reduce the volume and rate of stormwater runoff and can add to the visual character of the parking lot,
- flowering plants and shrubs, and
- public art.

N. Fences, Walls, and Gates

DG-N1. Design compatible fences, walls, and gates.

The design of fences, walls, and gates shall be compatible with the architecture of the building. Wood picket fencing, trellis entries, and pergolas or entrance arbors on fences/walls are encouraged. Pergolas and entrance arbors are allowed on fences/walls, and shall not exceed 6 feet in height without a building permit. Appropriate materials for fences, walls, and gates include:

- wood,
- natural stone,
- wrought iron,
- concrete masonry,
- brick, and
- other materials of similar quality, durability, and character to those listed above and approved by the Community Development Director or Design Permit.

Fences and walls should be painted (or stained if wood) to match or complement the color of the building. However, walls constructed with brick and stone should not be painted in order to display the natural color of the materials.



Example of small wood fence with landscaping.

No fence or wall shall exceed three feet in height from the front of setback line of any property to the street right-of-way line except corner lots where any fence over three feet in height shall be set back five feet on any side yard setback, which is adjacent to street.

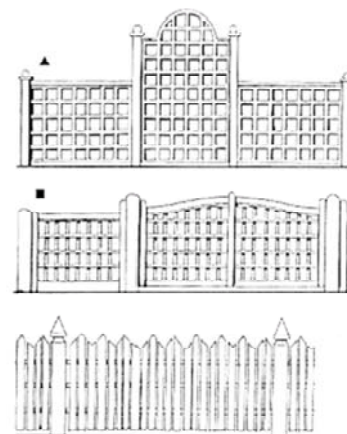
The following fence types within the Specific Plan area are prohibited unless otherwise approved by the architectural and site review board:

- barbed wire,
- razor wire,
- electrical, and
- chain link.

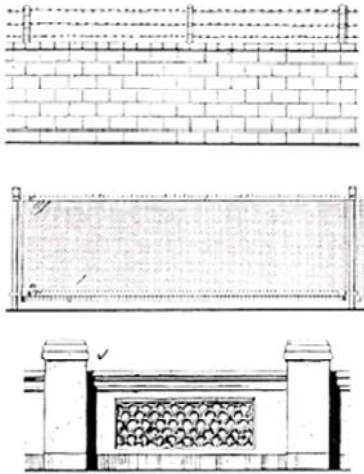
DG-N2. Design articulated fences and walls.

Fences and walls shall have an articulated design. Articulation can be created by having regularly spaced posts, changing the height of the fence or wall, and by using different building materials at the base, posts, or the cap of the fence or wall. Flat walls, chain link fences, and barbed wire fences are prohibited.

Encouraged

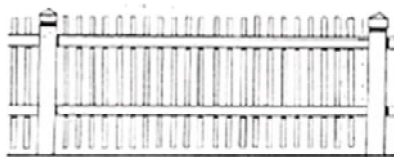


Discouraged

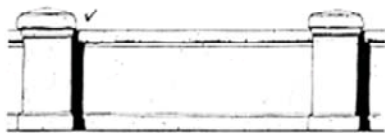


DG-N3. Design fences with an appropriate level of opacity.

Front yard fences should have an opacity of at least 50 percent. Walls (not including retaining walls for terraces) should be avoided in front yards.



*Example of fence with opacity
(see through)*



*Example of fence without opacity
(not see through)*

O. Site Lighting

DG-O1. Provide lighting in appropriate areas.

Illumination shall conform to the City of Morgan Hill Zoning Code. The following areas shall be illuminated at night to insure the safety of users and to minimize opportunities for crime:

- intersection of streets,
- surface parking lots,
- parking structures, including access points, elevators, and stairwells,
- pedestrian walkways and paths,
- plazas,
- sidewalks including side streets leading to parking lots,
- automated teller machines (ATMs),
- all entrances to buildings, including rear and service entrances,
- garbage disposal areas, and
- other areas that are routinely used by pedestrians.

Illumination of street trees and ornamental landscape trees is encouraged.

DG-O2. Design lighting to illuminate only the intended areas.

Site, building, and sign lighting shall be located and directed to light the intended area of illumination and to prevent off-site glare impacts on adjacent buildings or properties.

DG-O3. Avoid light and dark pockets.

Lighting should be provided at regular intervals to improve the perception of safety and to prevent the creation of light and dark pockets. Dark pockets can create uncomfortable areas for pedestrians and provide opportunities for criminals to hide in dark shadows. Light pockets can create a “fish bowl” effect. Within the light pocket (or the “fish bowl”), pedestrians may be observed, but their ability to see outside of the light pocket is limited, which creates discomfort and insecurity.

DG-O4. Avoid over-lighting buildings and sites.

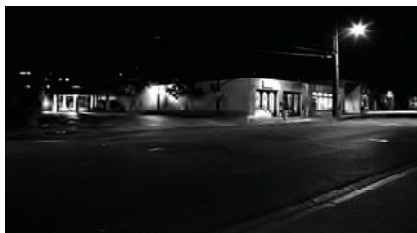
Over-lighting of buildings and sites should be avoided. Over-lighting can create an environment that feels like a car sales lot and can ruin desired nighttime ambience.

DG-O5. Provide storefront window lighting.

Lighting within storefront windows is encouraged to illuminate the sidewalk and create a desirable nighttime ambience.



Desirable night-time lighting.



Poor night-time lighting.

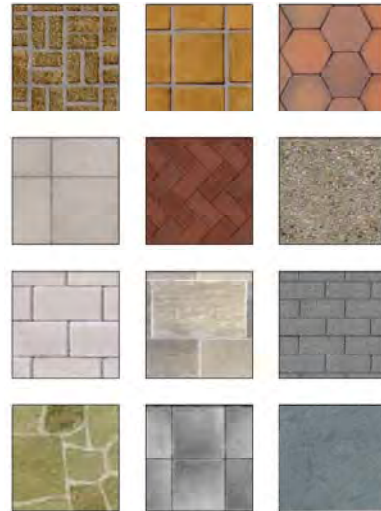
P. Plazas, Walkways, and Courtyards

DG-P1. Use ornamental surfaces that are different from the sidewalk.

All plazas, pedestrian walkways, and courtyards should be designed with an ornamental surface that is differentiated from the sidewalk and asphalt streets and parking lots. Appropriate types of ornamental paving include:

- natural stone,
- turf block,
- brick,
- slate,
- concrete unit pavers, and
- concrete with special textures, colors, and patterns.

DG-P2. Provide active ground floor uses



Examples of appropriate paving surfaces and patterns for public plazas.

around plazas and courtyards.

At least two sides of a plaza or courtyard should be defined by building facades with active ground floor uses (such as restaurants, retail stores, cafes, bars, etc.). Edges not defined by building facades should be defined with landscaping features, such as trees, low planters, seating, a pergola with vines, or sculptures.

DG-P3. Provide lighting in appropriate areas.

All plazas and courtyards shall be designed with pedestrian amenities, such as seating, dining tables with umbrellas, planters, trees, vine covered pergolas, pedestrian scaled lighting, public artwork, outdoor fireplaces, and fountains.

DG-P4. Provide lighting in plazas.

Plazas should be illuminated from dusk to dawn. A combination of overhead lighting and lighted bollards are encouraged.

DG-P5. Construct water, public art, or sculpture features in public plazas.

Water features, such as fountains, or installations of public art, such as sculptures, are encouraged for the design of larger public plazas.

DG-P6. Provide hard and soft surfaces in plazas and courtyards.

A combination of hard and soft surfaces should be incorporated into the design of plazas and courtyards to add visual interest and variety.

DG-P7. Provide public art and interpretative plaques.

Public art and interpretive heritage plaques should be incorporated into the design of plazas to highlight Downtown's history and heritage.

DG-P8. Provide mid-block pedestrian

walkways.

Mid-block pedestrian walkways should not only provide alternate access through Downtown but they should also provide an inviting public space. These walkways should also provide an atmosphere for persons to congregate, public seating and dining space, shade, landscaping with interesting night lighting. Mid-block pedestrian walkways should be adjacent to restaurant and retail space to provide an extension to the exterior for those uses.



Examples of pedestrian walkways and public plazas that are improved with pedestrian amenities.

Q. Outdoor Dining in the Public Right-of-Way

DG-Q1. Encourage outdoor dining areas.

Outdoor dining areas are strongly encouraged along the sidewalks on Monterey Road and Third Street, and along side streets where restaurants or similar uses are developed.

DG-Q2. Provide sufficient sidewalk clearance.

In accordance with the Sidewalk Encroachment Ordinance (Chapter 12.04 of the Municipal Code), sidewalk encroachments, including outdoor dining, shall provide a minimum sidewalk clearance of 5 feet, measured between the building and fixed objects (i.e. utility pole or wall), planter wells, and/or curbs. Sidewalk encroachments shall not occur within 10 feet of corner curb lines and corner crosswalks.

DG-Q3. Provide attractive barriers in appropriate areas.

Barriers, such as fences, gates, or ropes, should be used to clearly distinguish the seating area from the sidewalk when the outdoor dining areas extend more than 3 feet from the building edge. Restaurants that serve alcohol should provide a barrier along the entire perimeter of the outdoor dining area.

DG-Q4. Design appropriate barriers.

Barriers should be at least 36 inches in height and the lowest point of any rope or chain should be 27 inches. Access openings should be provided at convenient locations with a minimum opening of 44 inches.

Appropriate types of barriers include:

- sectional fencing (metal or wood, painted a dark color,
- rope or chain (connected to vertical posts, planters, or similar feature), and
- planter boxes (in conjunction with fencing, ropes, or chains).

Fabric insets, chain link, or other materials not appropriate elsewhere in these guidelines are not appropriate and should be avoided.



Example of an outdoor dining area without barrier.



Example of an outdoor dining area with barrier.

DG-Q5. Provide appropriate furniture.

Tables and chairs should be provided in outdoor seating areas. Umbrellas and overhead heaters (attached to the building wall or overhang) are encouraged to protect diners from sun or cold weather. Furniture shall be freestanding and shall not be attached to street infrastructure.

Other furniture including, but not limited to, serving stations, bar counters, shelving or racks, and sofas, shall not be placed within outdoor seating areas.

DG-Q6. Provide appropriate tables and chairs.

Small square, rectangular, or round (in where space permits) tables are encouraged in outdoor seating areas. Chairs should compliment the tables in their style, color, and size. Tables and chairs should not be plastic or painted with fluorescent or bright colors (including white).

DG-Q7. Provide appropriate furniture.

High quality canvas umbrellas are encouraged. Umbrellas should not be made from plastic or vinyl or painted with fluorescent or bright color. Umbrellas should be of one solid color and not contain words, logos, or other images.

R. Streetscape Furniture and Amenities

DG-R1. Construct amenities and furniture to minimize interference with pedestrians.

All streetlight fixtures, traffic signals, traffic and directional signs, pedestrian wayfinding signs, parking signs, bicycle racks, parking meters, and fire hydrants shall be located within one to three feet of the curb face. Streetscape furniture and amenities, including sidewalk dining furniture, shall be located to maintain a clear pedestrian path of at least five feet in width and shall not be located within ten feet from corner curb lines and corner crosswalks.

DG-R2. Construct appropriate streetlights and other amenities.

All streetlights, streetscape furniture, and other amenities shall be approved by the Community Development Director, City Council, or Design Permit. Streetlights should be scaled to pedestrians and should be no taller than 14 feet. Streetlights should be equipped with hardware to allow flowerpots and banners to hang from the streetlight. At least 8 feet of vertical clearance shall be provided from the sidewalk to the bottom of the flowerpot or banner.

DG-R3. Design safe and attractive bulbouts and pedestrian crossings.

Bulb-outs (or extensions of the sidewalk into the street at pedestrian crosswalks) are encouraged at street intersections. Trees, shrubs, and flowering plants may be planted in bulb-out planters. Pedestrian crossings should be provided at all street and alley intersections. Pedestrian crosswalks should be designed with a special pavement that has a differentiated texture and color than the sidewalk and the street.

DG-R4. Provide frequent amenities along streets.

Benches and trash/recycle receptacles should be provided on every block at intervals no greater than 200 feet. Drinking fountains, planter boxes, and other streetscape amenities are encouraged. The City should consider co-locating and consolidating news racks and public information kiosks at one or two locations in the downtown area.



Examples streetscape furniture and amenities. Clockwise from left: streetlight; bollard; bench (also serves as public art); trash receptacle; and paved crosswalk.

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Chapter 6: Signage Guidelines

Overview

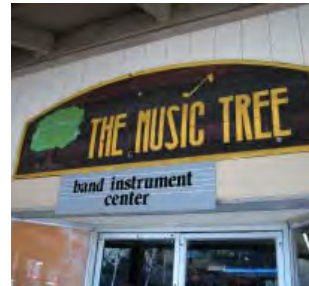
Business signs can have a significant impact on the image and character of a downtown. Interesting and well-designed signs that reflect the diversity of uses and the personality of individual businesses attract customers and add a visual richness to the streets. Downtown signs should be different from those in other parts of the city by virtue of Downtown's strong pedestrian orientation.

A. General Sign Guidelines

SG-A1. Allowed signage types.

Signs in Downtown shall be limited to the following types which are illustrated to the right and described on the following pages.

- Wall Signs
- Awning Signs
- Window Signs
- Projecting Signs
- Hanging Signs
- Freestanding Signs
- Plaque Signs
- Directional Signs and Entry Features (as permitted by the City-Wide Directionals, Entry Signs & Downtown Sign Program)
- Monument Signs
- Governmental Signs (such as for the Community and Cultural Center)



Wall Sign



Awning Sign



Hanging Sign



Monument Sign



Plaque Sign



Business Directional Sign



Window Sign



Projecting Sign

Examples from Downtown

SG-A2. Prohibited signage types.

The following signs are not appropriate for Downtown:

- Movable Letter Signs (except for cinemas, performing arts facilities, and the Community and Cultural Center)
- Electronic Signs (except for the Morgan Hill Community and Cultural Center)
- Roof-mounted Signs
- “A-frame” or median signs on the sidewalk
- Cloth, paper or fabric signs hung from the building or placed in windows except for Temporary Signs allowed under the City of Morgan Hill Sign Code

SG-A3. Maximum allowed sign area.

Sign area is limited to 1 square foot per linear foot of building frontage along Monterey Road, Third Street and Depot Street, and to 3/4 square foot per linear foot of frontage on other streets. This allowance is less than allowed in auto-oriented areas of Morgan Hill.

SG-A4. Avoid excessive wording and advertising messages.

Signs are most effective when their messages can be grasped quickly. Too many words or images compete for attention and reduce the readability of the sign.

SG-A5. Use no more than two letter font types per sign.

The primary purpose of a sign is to quickly convey information to passing pedestrians and motorists. More than two letter styles make readability more difficult.

SG-A6. Stress one line of text in multi-line text.

Signs with more than one line of text should emphasize one line over the others.

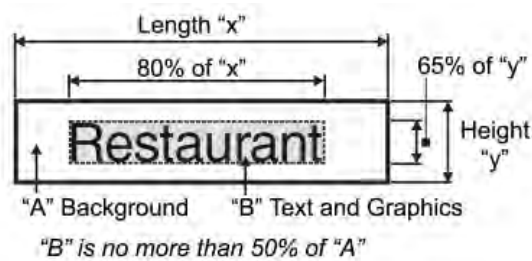


Sign limited to two font types. First line (store name) has a larger font than the second line (what is sold at the store).

SG-A7. Keep the size of letters and graphics in proportion to overall sign area.

Text and graphics are difficult to read if they crowd the borders of the sign. Smaller letters with space around them will have more impact than larger letters with limited space around them.

SG-A8. Use high quality materials.



General sign guidelines.

Generally be cleanly finished.
Appropriate materials include:

- finished wood,
- metal, and
- woven fabric (for projecting banner signs)

SG-A9. Avoid inappropriate materials.

The following materials should be avoided in the design of signs:

- vinyl,
- plastic, and
- signs painted directly on the building.

SG-A10. Use simple and symmetrical sign shapes.

Geometrical shapes such as rectangles, squares, circles, ovals and triangles are visually stable shapes which help focus attention on the sign message. These should be used in almost all cases. Combinations of geometric shapes will also generally produce a good sign shape.



Signs with simple and symmetrical shapes.

SG-A11. Sign Lighting.

Use direct illumination (spot lights) for wall, projecting, and freestanding signs rather than internally illuminated letters or cabinets. “Halo” style lights, although internally illuminated, are appropriate for Downtown Morgan Hill. Light luminaires should be well designed fixtures with shielding to avoid light glare. Examples of good sign lighting are shown below.



Example of sign with direct illumination.



Example of sign with “halo” lighting.

SG-A12. Limit the size of neighborhood streets signage.

Signs in residential areas should be sensitive to the scale of the buildings. They should be smaller and fewer in number (i.e., one-half square foot of sign area per linear foot of parcel frontage.) Types should be limited to freestanding, hanging and plaque signs.



Example of a sign on a neighborhood street.

B. Wall Signs

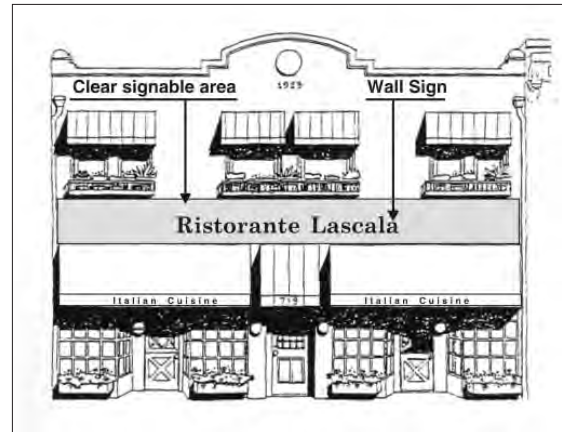
SG-B1. Relate wall signs to the architecture and proportions of the bldg.

Wall signs should be placed:

- above doors and windows,
- within plain fascia bands, and
- on plain panel areas.

SG-B2. Avoid covering architectural features with signage.

Signs should not cover windows, transom windows, or features such as columns, recessed areas, moldings or architectural trim. Wall signs should remain within the limits of the storefront zone except where there is only one ground floor tenant space. If a building does not have good locations for a wall sign, other allowed sign types such as window or awning signs may be used.



Examples of wall signs.

C. Awning Signs

SG-C1. Sign location.

Awning signs may be located either on the vertical valance at the front of the awning or on the sloped front awning face.

SG-C2. Sign size.

Letters and logos should be limited to 2/3 of the vertical valance height or 8 inches, whichever is less and to 2/3 of the width of the valance. Text or graphics placed on the awning face should not exceed 15% of the sloped surface area.



Example of an awning sign.

D. Window Signs

SG-D1. Limit the amount of signage used.

Window signs should be limited to a maximum of 25% of any individual window, and an aggregate area on no more than 10% of all ground floor windows on any building face.

SG-D2. Limit the size of lettering.

The maximum height of letters should be 10 inches. Exceptions may be granted for the leading capital letter of text (see the “Rockridge Café” sign below).

SG-D3. Use logos and creative sign type.

Graphic logos and images along with special text formats can add personality and interest to window signs. Some examples are shown below.



Examples of window signs.

SG-D4. Use high quality materials and application methods.

Appropriate window sign materials include:

- paint or vinyl film applied directly to the inside face of the window,
- tubular neon suspended behind the window glass,
- wood or metal panels with applied lettering, and
- etched glass
- paper signs placed in windows are not allowed.

E. Projecting Signs**SG-E1. Use high quality materials.**

Appropriate materials include:

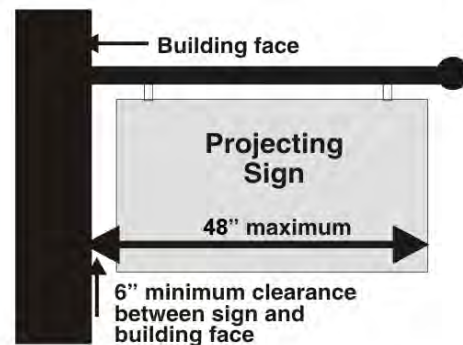
- wood,
- metal, and
- non-glassy fabrics.



Examples of projecting signs.

SG-E2. Limit the number and size of projecting signs.

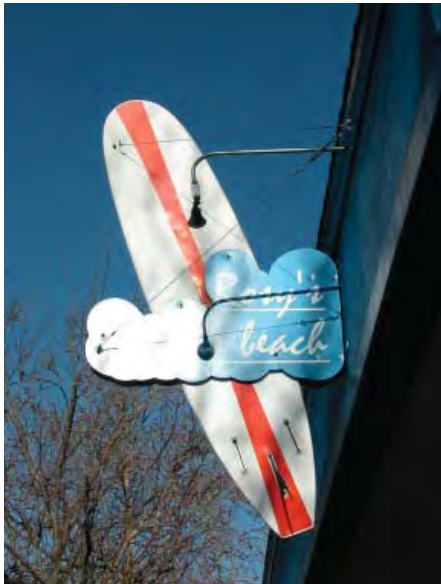
Only one projecting sign should be allowed per business frontage. Projecting signs should not exceed 5 square feet in area. Signs should not be projected more than 48 inches from the building face. At least 6 inches should be provided between the inside edge of the sign and the building.



Dimensions of projecting sign.

SG-E3. Design appropriate projecting signs and supports.

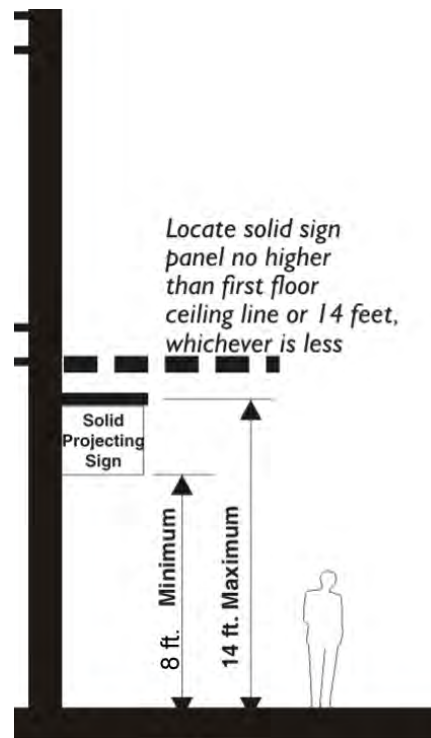
The design of projecting signs and supports should reflect the character of the building. Simple round or square horizontal supports with capped ends, painted black or white, are generally acceptable. However, more decorative approaches may be desirable when appropriate to the sign and/or architectural character of the building.



Creative projecting sign.

SG-E4. Position projecting signs to complement the building's architectural details.

Solid panel signs should be located below the first floor ceiling line or no more than 14 feet above the sidewalk, whichever is less. At least 8 feet should be provided from the bottom of projecting signs to the ground in pedestrian areas and 14 feet along streets.



Appropriate position for projecting signs.

F. Hanging Signs

SG-F1. Use high quality materials.

Appropriate materials include wood or metal. Glossy materials are discouraged. All exposed edges should be finished. Signs should be suspended with metal rods, small-scale chains, cables, or hooks.

SG-F2. Limit the number and size of hanging signs.

No more than 1 hanging sign should be allowed per business. Signs should not exceed 3 square feet in area. Signs should be mounted to provide a minimum of 8 feet clearance between the sign and the sidewalk.

SG-F3. Orient hanging signs to pedestrian traffic.

Signs should be mounted under awnings, bay windows or other projections with their orientation perpendicular to the building face to increase visibility along sidewalks. If multiple hanging signs are placed along a business frontage, they should all be mounted with their bottom edge the same distance above the sidewalk, and should be of a similar size and shape.



Examples of hanging signs.

G. Freestanding Signs

SG-G1. Limit freestanding signs to businesses in residential scale areas.

Businesses located on residential streets east of Monterey Road are appropriate places for freestanding signs. These signs should be located in the front setback area. These signs should only be allowed on the properties that have front yards.

SG-G2. Limit the number and area of freestanding signs.

No more than one freestanding sign shall be installed on any single parcel. More than one business may be identified on the sign as long as the type style and color are identical for the individual businesses. Signs should not exceed 6 square feet in area, excluding the supporting structure, which should be relatively small in scale. The maximum height of any sign should be 7 feet. Appropriate materials for supports and sign panels include wood or painted metal. Interesting icon designs are strongly encouraged.

SG-G3. Provide soft and subtle lighting.

Because of the mix of uses in the neighborhood areas of Downtown, signage for businesses in residential areas should not intrude unnecessarily on their neighbors. Lighting should be limited to the evening hours while the business remains open. Lighting, when needed, should be provided by small spot lights mounted either above the sign or at the ground level. Fixtures should be shielded to minimize light glare into surrounding areas. Fixtures should be well-designed; standard spotlights without shades are prohibited.



Example of freestanding sign.

H. Plaque Signs

SG-H1. Limit the location and size of plaque signs.

Signs should be located only on wall surfaces adjacent to tenant entries or entry passageways to off-street courtyards. Signs identifying a single business should not exceed 4 square feet in area. Directory signs for the identification of multiple second floor or courtyard tenants may be larger, but no more than 8 square feet in area.



SG-H2. Use plaque signs for the display of restaurant menus.

A restaurant district is enhanced when customers are able to walk from one restaurant to the next to compare menus and prices. Attractive menu boxes with lighting assist in this process. Menu signs or boxes should not exceed 6 square feet in area and should have internal, indirect lighting (e.g., bulbs located in the frame to cast direct light over the menu surface) or direct lighting using decorative fixtures.



Examples of plaque signs.

I. Directional Signs and Entry Features

SG-I1. Encourage entry features and directional signs.

Encourage attractive and appropriate entry features, directional signs, and kiosks within Downtown Morgan Hill in accordance with the City-Wide Directional Sign Program. Street-spanning or other entry features should be located on Monterey Road at the intersections with Main Avenue, Third Street, and Dunne Avenue. Directional signs for motorists should be located around these areas as well. Directional signs and kiosks for pedestrians should be located in high concentration areas such as Monterey Road, Third Street, and the train station area.

SG-I2. Encourage kiosks in strategic locations.

Kiosks should be located in strategic locations where there will be high volumes of pedestrian traffic, such as near the train station or near public parking. These signs should inform pedestrians of local businesses and events and should provide a map with key locations. These kiosks will be constructed by the City, but should be managed by either the Property Based Improvement District of the Morgan Hill Downtown Association.



Examples of proposed designs for a directional sign and kiosk for Downtown Morgan Hill.

J. Monument Signs**SG-J1. Limit the use of monument signs.**

Larger projects, including the Morgan Hill Community and Cultural Center, may require signs to identify them to passing motorists. Signs should be limited to the project name and logo or that of a single tenant, and should not include the names of multiple tenants unless all tenant names use the same type style and color.

SG-J2. Limit the size of monument signs.

Signs should not exceed 60 square feet in area, 6 feet in height, and 10 feet in length.

K. Governmental Signs**SG-K1. Allow flexibility for Governmental Signs.**

Governmental Signs shall be designed in a manner that best carries out the purpose of the governmental building or facility.



Examples of monument signs.

Permit Requirements

All signage within the Downtown Specific Plan area requires a Sign Permit. Applications shall include plans, drawings and other descriptive materials sufficient to depict the sign proposal, as well as all other proposed or existing signage on the same property, to enable evaluation of the proposal's substantial conformance with these Signage Guidelines. Applications for sign permits are subject to review and action by the Community Development Director, who shall find that the signage substantially conforms to these Signage Guidelines and applicable provisions of the Morgan Hill Municipal Code.

The provisions of Morgan Hill Municipal Code section 18.76.260 shall remain in effect, however the term "Downtown Design Plan" shall be replaced with "Downtown Specific Plan", and references to "CC-R central commercial/residential mixed use" shall be replaced with "CBD Central Business District".

Chapter 7: Infrastructure

Overview

Morgan Hill has a variety of infrastructure services including transportation, water, sewer, storm drainage, solid waste, and energy systems to meet the demands of residents and businesses. Much of Downtown is located within the floodplain of Upper Llagas Creek. Floodplain regulations must be met by development until such time that the Upper Llagas Creek Flood Protection Project (PL566) is constructed. The development anticipated from this Specific Plan will be served by the following infrastructure improvements, some of which already exist and some of which are planned for improvement within the next five to 10 years.



Morgan Hill Caltrain Station near Third and Depot Streets



VTA bus stop shelter

Transportation

Existing Roadways

Regional access to Downtown Morgan Hill is provided by Monterey Road. Local access is provided by Butterfield Boulevard, Main Avenue, Dunne Avenue, and Depot Street.

Monterey Road runs north-south and is the main street in Downtown. Through Downtown, it currently has four lanes with on-street parallel parking. The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road.

Butterfield Boulevard runs north-south and is the easternmost street in Downtown. Through the Downtown area it is a four-lane roadway.

Main Avenue runs east-west and is the northern boundary of this Specific Plan area. Through the Downtown area it is a two-lane roadway.

Dunne Avenue runs east-west and is the southern boundary of this Specific Plan area. Through the Downtown area it is a four-lane roadway, with right-of-way for six lanes.

Depot Street runs north-south and is in between the railroad tracks and Monterey Road. Through the Downtown area it is a two-lane roadway. While at one time Depot Street was proposed to be modified to remove its current connection to Dunne Avenue (by implementing a cul-de-sac at Fifth Street), this Specific Plan recommends retaining the connection to Dunne by re-routing Depot Street through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal to create an intersection so that Depot remains a parallel north-south route in Downtown.

Existing Transit Service

Bus service in Morgan Hill is operated by the Santa Clara Valley Transportation Authority (VTA). Four bus routes operate in or near Downtown:

- Route 16 is a local community bus route that provides service between Burnett Avenue and the Morgan Hill Civic Center. In Downtown, Route 16 operates on Main Avenue.
- Route 68 is a regional bus route that provides service between the City of Gilroy and the San Jose Diridon Caltrain Station. In Downtown, Route 68 operates on Monterey Road and Main Avenue.
- Route 121 is an express bus route that provides service between the City of Gilroy and the Lockheed Martin Light Rail Station in Sunnyvale. In Downtown, Route 121 operates on Butterfield Boulevard and Dunne Avenue. This route services the Morgan Hill Caltrain station.
- Express Route 168 provides direct service between the Gilroy, Morgan Hill and the San Jose Diridon Transit Centers, via the recently approved HOV (carpool) lanes on Route 87.

Commuter rail service, Caltrain, is operated by the Peninsula Joint Powers Board and connects to the Cities of San Francisco and Gilroy. Caltrain provides northbound service from Morgan Hill and Gilroy during the morning commute period and southbound service to Morgan Hill and Gilroy during the evening commute period. During the 2015 to 2030 timeframe, Caltrain service is projected to increase frequency and to construct double-tracking through Morgan Hill, which will better serve a “reverse commute”.

This UPRR/Caltrain rail corridor has also been identified as the possible location for accommodating the through route of the California High Speed Rail (HSR) Project. Conceptual plans call for an elevated track within the UPRR right of way, with no station planned for Morgan Hill. California voters approved some funding toward High Speed Rail in November 2008, and the federal government has also identified funding that may be awarded to California High Speed Rail. The City of Morgan Hill has expressed a strong preference for a US 101 corridor alignment for the segment of High Speed Rail through Morgan Hill (possibly with a station) rather than having HSR within or near the UPRR corridor in the downtown area, as an elevated HSR would be visually intrusive and impede the Specific Plan goals for the 20-block Downtown, in terms of unifying the blocks into a cohesive downtown.

Existing Pedestrian and Bicycle Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals. Crosswalks exist at all of the intersections on Monterey Road between Main Avenue and Dunne Avenue. Sidewalks are provided on both sides of Monterey Road.

Bicycle facilities consist of bike paths, bike lanes, “sharrow” markings (a symbol painted in the travel lane to establish a road shared by vehicles and bicycles) bike routes, bike racks and lockers. There are bicycle lanes on Main Avenue and

Dunne Avenue east of Monterey Road. The Third Street Promenade includes “sharrow” markings. A more detailed discussion of bicycle facilities is included in Chapter 4 (Parking Resources Management Strategy).

Streetlights are generally provided throughout Downtown; however, lighting and safety are some of the top concerns of residents and Downtown property and business owners. Depot Street has recently received new lighting at a pedestrian scale. Although some feel this street now has too much lighting, once the trees mature this street should have proper lighting. New pedestrian-scaled streetlights will eventually be provided along Monterey Road, East Third Street, and various side streets. Pedestrian paths linking parking lots to streets will also include proper lighting either by the City or by property owners as the areas are redeveloped.

Transportation Projections and Improvements

The Master Environmental Impact Report provides transportation projections and improvements for Downtown.

Monterey Road: The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design

planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road.

Depot Street: The City of Morgan Hill has studied a possible Circulation Element Amendment to change the current plan to close Depot Street when the planned Dunne/UPRR grade separation (undercrossing) project occurs, so that Depot Street can remain connected to Dunne Avenue. Depot Street offers an important alternate north-south travel route within the downtown, and provides access to public parking lots located on Depot Street. This Downtown Specific Plan will accommodate any decision that may be made regarding Depot Street; however, the preferred option would be a plan to re-route Depot Street through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal, to create an intersection. This would allow Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan College uses.

In the future, signalization of the Depot/Main intersection will be necessary. In planning for installation of the traffic signal, it will be necessary to carefully coordinate signal timing, given the at-grade UPRR road crossing and proximity of other signals at Main/Monterey and Main/Butterfield. The Morgan Hill Redevelopment Agency should pay for installation of the signal when warranted by traffic levels, and should also pursue extending Depot Street north of Main, and then curving to connect with McGlaughlin Drive, to establish a route to/from Central Avenue.

VTA Bus Route and Monterey Road: The City of Morgan Hill and the Santa Clara Valley Transportation Authority should continue to work together to improve the pedestrian and

transit environment along Monterey Road. Locating attractive bus stops at appropriate locations adequately separated from outdoor dining areas, and using “bulb outs” to provide plaza areas and comfortable pedestrian crossing distances, is encouraged. Upgrading the bus stops with attractive custom shelters, signage, paving treatments, lighting and other amenities would ensure that transit helps in improving the downtown. A key objective for the City of Morgan Hill will be to ensure appropriate locations for the bus stops serving downtown, such as not directly in front of outdoor dining areas.

Water Service

Existing Water Service

The City of Morgan Hill provides potable water service to its residential, commercial, industrial, and institutional customers within the City limits. The City has 15 groundwater wells, 1 potable water storage tank, 10 booster stations, and more than 160 miles of pressured pipes that range from 2 to 14 inches in diameter. The water distribution system meets the needs of existing customers. Figure 27 shows the existing water system in Downtown.

Water Service Projections and Improvements

The vast majority of the proposed projects in the Water Master Plan consist of new or increased capacity pipelines that are needed to extend service. Because the Downtown area is predominantly developed, improvements primarily consist of upgrading the existing pipelines to the current 8-inch City Standards. This project is not on the list for impact fees and, therefore, will be funded by the Redevelopment Agency and private development (as a potential condition of approval). Additionally, the City will be upgrading the water main from Monterey Road to Peak/Main booster Station to 12-inch per City's Water Master Plan.

The City has a program to implement these improvements and water infrastructure does not and will not act as a constraint to the intensity of development within the Specific Plan. The improvements will be paid for by the Redevelopment Agency and/or private development (as a potential condition of approval) in accordance with Chapter 3.56 (Development Impact Mitigation Fees) and Chapter 12.02 (Street and Sidewalk Development).

Sanitary Sewer System

Existing Sanitary Sewer System

The City of Morgan Hill has a sewer collection system that contains approximately 135 miles of 6-inch through 30-inch diameter sewers, and includes 15 sewage lift stations and associated force mains. This system also consists of trunk sewers that are generally 12 inches in diameter and larger, which convey the collected wastewater flows through an outfall that continues south to the Wastewater Treatment Facility (WWTF) in Gilroy. This WWTF is jointly owned by the Cities of Gilroy and Morgan Hill. Morgan Hill's sewer collection system meets the needs of existing customers. Figure 27 shows the existing sanitary sewer system in Downtown.

Sanitary Sewer System Projections and Improvements

The vast majority of the proposed projects in the Sanitary Sewer Master Plan consist of new or increased capacity pipelines that are needed to extend service. Because the Downtown area is predominantly developed, improvements primarily consist of upgrading the existing pipelines to the current 8-inch City Standards. This project is not on the list for impact fees and, therefore, will be funded by the Redevelopment Agency and private development (as a potential condition of approval). Additionally, City will be upgrading the sewer main from just east of the railroad tracks on Main Avenue to Hale Avenue to 18 inches per City's Sewer Master Plan. Refer

to Figure 27 for further details.

The City has a program to implement these improvements and sanitary sewer infrastructure does not and will not act as a constraint to the intensity of development within the Specific Plan. The improvements will be paid for by the Redevelopment Agency and/or private development (as a potential condition of approval) in accordance with Chapter 3.56 (Development Impact Mitigation Fees) and Chapter 12.02 (Street and Sidewalk Development).

Storm Drainage System

Existing Storm Drainage System

The City's storm drainage system consists of curb and gutter facilities, curb inlets, underground pipelines, and bubblers. These facilities drain to the nearest creek or manmade natural retention areas that flow through the City. These are tributary to either the Monterey Bay or San Francisco Bay. The City's storm drainage system meets existing drainage needs.

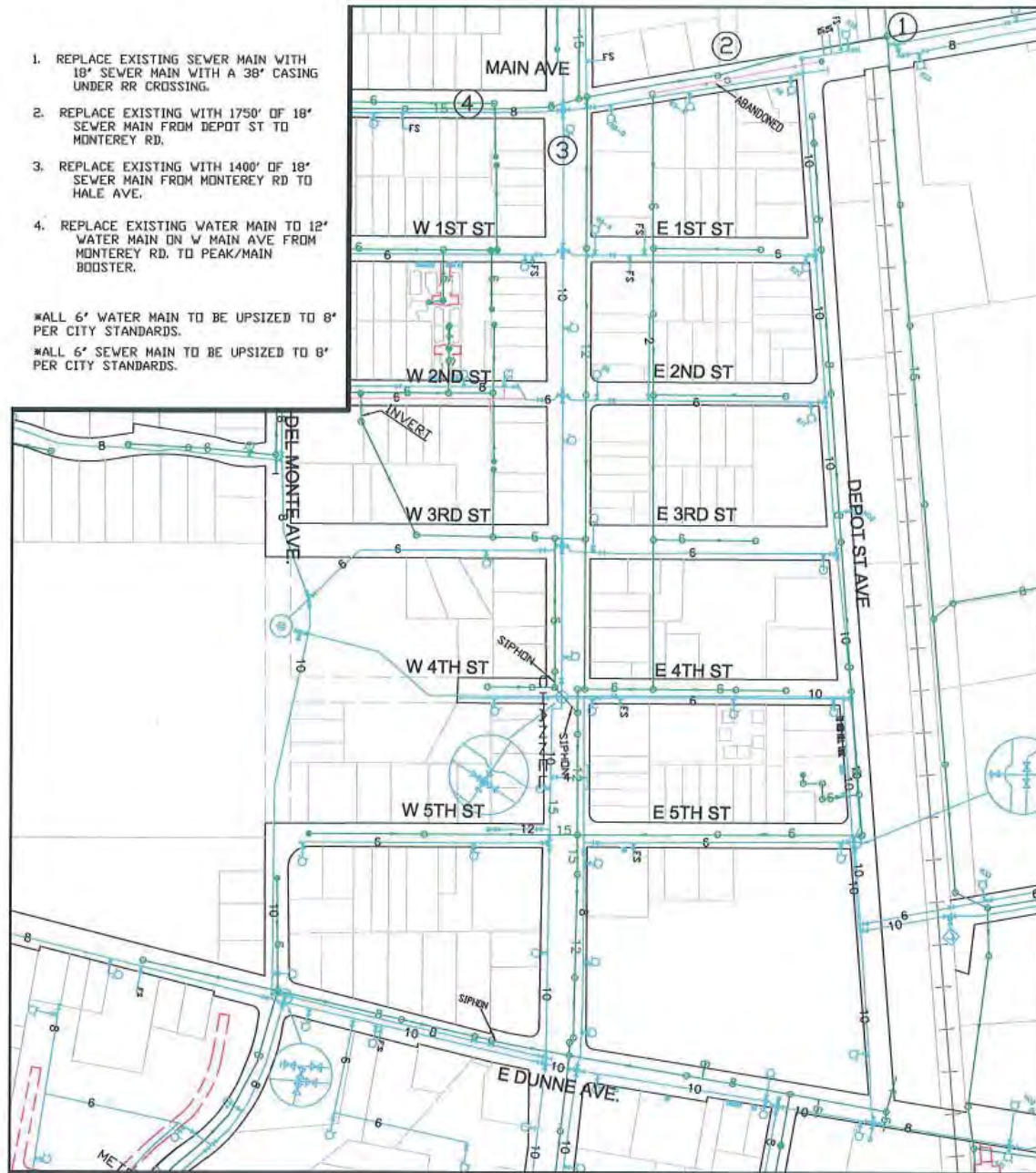
Storm Drainage System Projections and Improvements

The City's Storm Drain Master Plan does not call for any improvements to the existing storm drain system in Downtown, except for the Upper Llagas Creek Flood Protection Project (also known as PL566). PL566 is intended to provide flood protection for the Cities of Gilroy and Morgan Hill and the unincorporated portion of Santa Clara County known as San Martin. The project will consist of a series of channels, box culverts, and bridges designed to protect the floodplain from a one-percent flood. The southerly, downstream portion has been completed which protects the City of Gilroy. The northerly upstream portion that will someday protect Morgan Hill is not complete due to a lack of funding.

The Santa Clara Valley Water District (SCVWD) is the sponsor of the project and has been working with the Corps of Engineers (COE) to prepare

Figure 27

Existing Downtown Sanitary Sewer and Water System



DOWNTOWN MORGAN HILL
SANITARY SEWER AND WATER SYSTEM

Date: 12/4/2007

Drwn by: JJ

Chkd by: JB



SCALE: 1"=300'

Source: City of Morgan Hill

environmental documents and preliminary design. The COE has maintained minimal federal funding over the past five years to keep the environmental process moving forward. The SCVWD has taken on the property acquisition portion of the project and has made some progress. The overall construction cost to complete the project through Morgan Hill is approximately \$105 million. The full federal share has been authorized in the 2007 Water Resources and Development Act pending annual appropriations. Progress on the project has been limited to right-of-way acquisition and preliminary engineering.

Upper West Little Llagas Creek winds through the Downtown area. The PL 566 flood control project offers the opportunity to incorporate a trail along Upper Llagas Creek as part of flood control improvement. This trail would provide pedestrians and bicyclists access from Downtown to areas north and south along the creek. The flood control project will be comprised of open channels in the downtown area, however the locations where the creek now runs under Monterey Road and under the shopping center on Block 20 (SW corner Dunne/Monterey) will likely continue to run through a below-ground box culvert. However, project design and other property redevelopment efforts could explore the feasibility of “daylighting” the creek and offering a continuous trail alongside of the flood control project.

Floodplain Regulations

A significant portion of Downtown is in the floodplain (see Figure 28). These areas are most susceptible to flooding and will require additional measures to protect the properties from flood damage.

Development within the floodplain is required to comply with the Flood Damage Prevention ordinance (Chapter 18.42), which provides various standards for construction, subdivisions, utilities, and other issues. Standards for new developments include, but are not limited to:

- anchoring building structures;
- using appropriate materials;
- flood-proofing commercial buildings;
- providing drainage paths;
- elevating residential structures; and
- designing utilities to minimize infiltration of floodways.

Solid Waste

Existing Solid Waste Service

Morgan Hill residents and businesses receive solid waste and recycling services from South Valley Disposal & Recycling, Inc. (SVDR). SVDR transports solid waste to the Pacheco Pass Landfill, recyclables to recycling processing facilities, and yard waste to South Valley Organics, a compost facility located at Pacheco Pass Landfill. The Pacheco Pass landfill is expected to close within the next 5 to 10 years. Santa Clara County has landfill capacity to serve the City of Morgan Hill.

Solid Waste Projections and Improvements

Energy

Existing Energy Service

The City’s Energy Service is being fed through overhead services. In the Downtown area, there are two locations where overhead utilities have recently been undergrounded:

- Depot Street from Main Avenue to Fifth Street; and
- Monterey Road from Main Avenue to Dunne Avenue.

Energy Projections and Improvements

Currently, the City is working to underground overhead utilities on Third Street between Monterey Road and Depot Street. The remaining overhead utilities in Downtown will be undergrounded at the time that street

Figure 28

Downtown Floodplain



NOTE: Map is general and approximate. Consult an engineering map for additional and more precise detail.

improvements are made.

Fire Service

Existing Fire Service

Fire suppression and prevention services are provided by the Santa Clara County Fire Department.

Fire Service Projections and Improvements

A new fire station is proposed north of the County Courthouse along Butterfield Boulevard.

A Fire and Medical Services Master Plan Update Prepared by DMG Maximus in 2002 identified the need for a station located in the area of Dune Avenue and Butterfield Boulevard (see Figure 3 in Chapter 2: Land Uses and Development Standards) to redistribute the call load (reducing the 60-percent call demand upon the El Toro Station), as well as to provide enhanced response time to approximately 30 percent of the systems present call for services. It was estimated that overall system response times would be improved by approximately 37 percent as a greater number of calls would be within a reduced travel time of a fire station and there would be a decrease in delayed responses caused by engines out of their districts providing ancillary services to the southern end of the City. The station will be constructed as operational funding becomes available (capital construction funds are available).

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Chapter 8: Implementation and Plan for Investment

Overview

Achievement of the Downtown Morgan Hill vision will require the commitment of public and private resources and creativity over an extended period of time. Some elements of the plan (e.g., changes to governmental regulations) can be accomplished in relatively short order, and some will occur through the adoption of this Specific Plan. The City and its Redevelopment Agency can appropriate funding for a number of catalyst projects and programs over the next five to ten years. The Redevelopment Agency has indicated an intent to invest up to \$40 million in the Downtown area to construct infrastructure projects and otherwise assist with implementation of this Specific Plan. While the Agency may be able to assist private development projects that are not otherwise feasible, most projects, plan implementation activities and financial investment will be carried out by individual entrepreneurs with assistance from interested groups like the Downtown Association over a period of years.

The implementation strategy set forth in this document focuses primarily on the steps that can be taken by the public sector to encourage and facilitate those private sector initiatives. Priorities will be established by the City's Redevelopment Agency. Together the priorities and implementation tasks serve as a general road map for actions over the next five to ten years. While these are time-tested as appropriate and effective tools for Downtown revitalization, flexibility should be maintained to respond to special opportunities that may be presented. However, before significant changes in priorities or funding allocation are made, new opportunities will be evaluated as to their relative contribution to meeting the goals and vision set forth in this Specific Plan.

Figure 29 illustrates the Redevelopment Agency's Project Area.

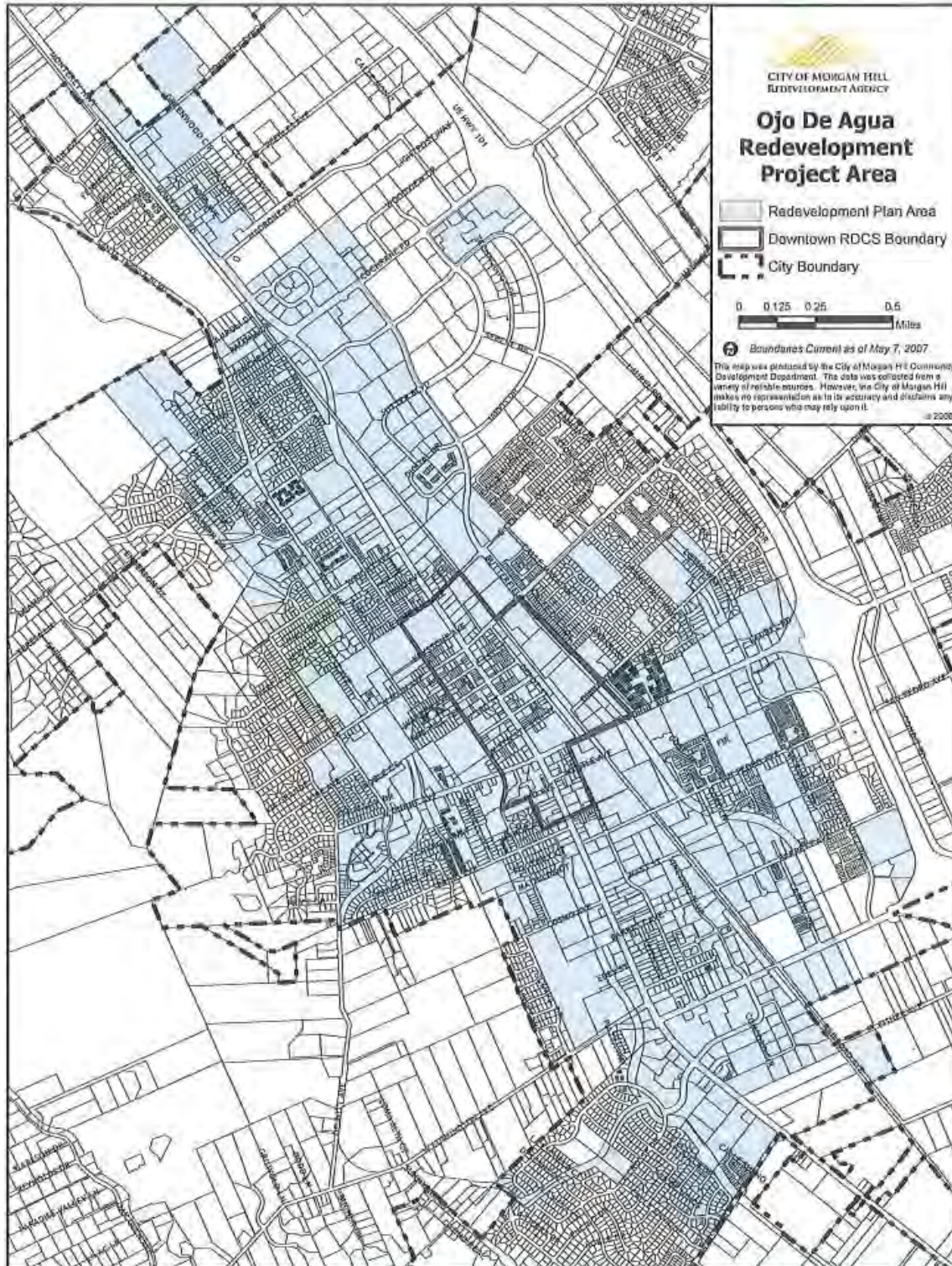


Successful implementation will help achieve the vision for Downtown Morgan Hill.



Figure 29

Redevelopment Agency Boundary



Source: City of Morgan Hill

Implementation Goals

To support the land use, parking, design and infrastructure goals and objectives outlined in earlier chapters of this Specific Plan, there are many actions and activities that the city and other organizations can undertake.

Public Actions and Assistance

- Working with the Morgan Hill Downtown Association, The Chamber of Commerce, and the Property Based Improvement District, retain existing businesses and actively recruit desirable new businesses
- Work with property owners to rehabilitate or redevelop major existing buildings
- Work with property owners of undeveloped and under developed properties to bring new investment to Downtown
- Implement PL566 flood control improvements as soon as feasible to reduce flooding
- Encourage coordination of new development among property owners
- The Redevelopment Agency will take a more active role in assembling opportunity sites and recruiting developers to build projects on those sites consistent with the objectives of this Plan.
- The Redevelopment Agency will work to minimize impacts on businesses that are impacted by street reconstruction activities during the period of construction.
- Coordinate public infrastructure improvements with private development
- The Redevelopment Agency will continue to fund existing programs such as facade improvement grants, commercial rehab loans, and housing rehab loans.

Implementation Programs and Plan for Investment

1. Redevelopment Agency Capital Improvements and Implementation Plan

The City of Morgan Hill Redevelopment Agency (“Agency”) anticipates funding a variety of projects and programs for Downtown with the goal of making Downtown a vibrant destination for residents and visitors alike. The strategy to implement this key goal as well as the other goals of the Agency is to use public investment to attract and stimulate private investment.

The Agency anticipates funding the following projects and programs in Downtown over the next five years:

- **Third Street Promenade Improvements:** The creation of pedestrian-friendly, multi-modal street and plaza as envisioned by this Specific Plan including street reconstruction, utility undergrounding, landscaping, lighting, and various pedestrian amenities. The improvements also include utility undergrounding, water, sewer, and storm drain improvements. The project also has received a \$1.7M Livable Communities grant from the Metropolitan Transportation Commission (MTC).
- **Downtown Street Revitalization Improvements:** Revitalization of various streets in Downtown including traffic calming improvements, street furniture, median improvements, pavement repair/replacement, curb, gutter and sidewalks, lighting and landscaping enhancements and improvements, and utility undergrounding.

- **Downtown Entry Features:** The design and installation of Downtown entry features to achieve the goals of this plan.
- **Courthouse Plaza Improvements:** The design and construction of a plaza connecting the Morgan Hill Courthouse to the pedestrian railroad crossing and Downtown to facilitate pedestrian traffic to the Downtown.
- **Parks and Pathways:** The design and construction of small parks or paths in or to the Downtown area as outlined in the Specific Plan.
- **Downtown Parking:** The Agency will take actions per the Downtown Parking Resources Management Strategy to develop an adequate supply of accessible and affordable public parking. These actions may include the acquisition/lease of parcels to preserve or expand existing parking and the design and construction of surface and structured parking to provide the needed spaces.
- **Sewer Improvements:** The Agency has funded Downtown development's share of sewer plant improvements. As a result, sewer impact fees for residential and commercial properties in Downtown are eliminated, thus, removing a potential barrier to development.
- **Historic Preservation:** Provide loans/grants to preserve historic resources in Downtown, such as the Morgan Hill United Methodist Church property.
- **Downtown Business Improvement and Assistance Programs:** The Agency will continue to fund existing programs such as the Facade Improvement Grant and the Commercial Rehabilitation Loan programs. The Agency may also develop programs to assist businesses during the construction of public improvements. These programs could include such tasks as signage, advertising, and direct mailings to inform the community that Downtown is open during construction.
- **Business Relocation and Site Redevelopment:** The Agency may also provide assistance to certain businesses deemed to be incompatible uses in Downtown, or to certain sites/uses that impede achievement of the community's vision for downtown. For example, the Agency is providing assistance to facilitate relocation of the concrete batch plant from Block 15 to a block outside of the downtown area. In the future, the property owners, business owners and Morgan Hill Redevelopment Agency are strongly encouraged to pursue as priority projects the redevelopment of the two existing banks at the southwest and southeast corners of Main Avenue and Monterey Road, in a manner that would accommodate desirable road improvements and widening to address traffic congestion of the Main Avenue road segment.

The Agency will also consider the creation of new programs to stimulate private investment and to create and resurrect retail/entertainment space including the redevelopment and opening of a movie theater in Downtown.

2. Capital Improvement Program

Other capital improvements will be included from time to time in the Capital Improvement Program that is adopted as part of the annual budget for the City of Morgan Hill and Redevelopment Agency. Certain of these projects, even those located outside of the Specific Plan boundaries, have the potential to assist with achievement of Specific Plan goals and objectives.

3. Facade Improvement Program

The Morgan Hill Redevelopment Agency's Facade Improvement Program provides financial rebates for projects within the CBD Zoning District of the Downtown (as well as outside of Downtown in the City's commercial districts).

Eligible applicants may receive up to \$4,000 reimbursement for architecture/design costs, full reimbursement for City architecture review fees, and up to 50-percent reimbursement for eligible exterior improvements, maximum \$45,000.

The program may be modified from time-to-time as dictated by market conditions.

4. Downtown Commercial Rehabilitation Loan Program

The Commercial Rehabilitation Loan Program offers low interest loans, up to \$100,000, to small businesses within the Property-Based Improvement District boundary area, which is the same as the Specific Plan Boundary. The program is designed to assist property owners and tenants with funding to rehabilitate existing commercial buildings, allowing new businesses to locate in the

Downtown or existing Downtown businesses to expand, thereby increasing the vitality of the Downtown entertaining and shopping district. Funding for this program comes from the Morgan Hill Redevelopment Agency.

5. Housing Rehabilitation Grant and Loan Programs

The Morgan Hill Redevelopment Agency also has several housing rehabilitation grant and loan programs that are available for residential properties in the Downtown. The Housing Rehabilitation Loan Program provides low interest loans to income qualified single-family owner occupants. Loans are also available to owners of multi-family housing with income-qualified tenants.

Loans of up to \$40,000 can be approved administratively while loan requests over \$40,000 require Redevelopment Agency Board approval. The Senior Housing Repair Program provides income eligible seniors with grants of up to \$5,000 for minor home repairs.

6. Business Retention and Attraction

The Morgan Hill Downtown Association will take the lead to identify the needs of existing businesses and find ways to help them. It will also work to identify and attract specific businesses that would help to create a vital Downtown entertainment and shopping district. Business attraction and retention targets will be identified and a plan developed to meet those targets. Additional help in this effort will be provided by the City's Business Assistance and Housing Services Department.

7. Morgan Hill Downtown Association

City governments are good mechanisms to initiate Downtown revitalization activities, provide some initial seed capital, and support private efforts through targeted funding assistance and public improvements. In the long run it will be the Downtown property and business owners that will provide the bulk of the funding and creative energy to make Downtown a success.

Implementation activities should support the Downtown Association, and work toward an increased level of autonomy and self-funding of the Morgan Hill Downtown Association, including the retention of the Property-Based Business Improvement District.

8. Develop RDA Assistance Criteria

There will be situations when desirable development may need some form of public assistance (e.g., low interest loans) to make implementation feasible. The Morgan Hill Redevelopment Agency (RDA) will be the primary source of assistance to the private sector in revitalizing the Downtown area. This is in addition to the facade improvement program.

RDA will carefully evaluate every request and channel assistance to projects that will contribute most to the realization of the vision set forth in this Downtown Specific Plan. To guide the Agency's decisions and to assist property owners in understanding the City's priorities, the Agency will establish and publish criteria to guide the City's use of resources. The RDA's criteria will take into account the:

- likelihood that the project will attract new retail, restaurant or entertainment uses to Downtown;

- ability of the project to activate Downtown with new vitality and visitors;
- contribution the project makes to the strengthening of the primary Monterey Road and Third Street commercial frontages;
- project ability to add new residential units to Downtown (the Redevelopment Agency's housing set-aside funds may assist developments in exchange for affordable covenants);
- degree to which the renovation of an existing building will substantially improve the exterior attractiveness of the streetscape;
- degree to which the project increases the critical mass of uses (e.g., three story new development versus one story infill);
- relative amount of private investment that can be leveraged with public funds;
- degree it meets the City's Business Attraction Program and Economic Development Strategy;
- degree to which it contributes to a critical mass of retail uses; and
- degree to which it contributes to the desired downtown sense of place.

9. Public Art Program

A Public Art Program should be established to encourage public art throughout the Downtown area. The encouragement of public art is another way that cities have found to enrich their downtown environments. Public art can be used as a part of entry identity features, integrated into the design of street furniture, included as a part of special sidewalk and street paving, or any number of other ways. Some communities fund such improvements in public areas. Others require or encourage public art as a part of private development projects.



Existing murals on a recycle bin and wall

Phasing Plan

PHASE 1 (0 TO 3 YEARS)

1. Additional New Parking Lots

New or improved parking facilities will be needed to accommodate additional businesses and residences Downtown. The Parking Resources Management Strategy (see Chapter 4 for a summary) provides greater detail to the location and size of facilities.

To comply with a mitigation measure in the DTSP Master EIR, the City of Morgan Hill shall create a land use and parking database for the downtown area and shall document the demand for parking from retail/service and office development (non-residential land uses) and changes in parking supply, through the preparation of a monitoring report submitted to the City Council every two years to ensure planning, regulatory and construction measures are undertaken to provide adequate parking supply as development and redevelopment occurs in the 14-block Downtown Core area.

2. Third Street Urban Design Improvements and Focal Point

Third Street Promenade and Plaza improvements will be complete by January 2010. Redevelopment of sites on Blocks 3 and 4 can be managed to not adversely impact the completed improvements of the private development.

3. Upgraded Downtown Entry Features

Entry features help establish a sense of arrival into a district. Entry features at the intersections of Monterey Road and Main and Dunne Avenues would better establish the edges of Downtown on the Monterey Road corridor. Entry features in these locations would not only serve as a welcome to visitors and residents, but would also alert motorists that this area is a pedestrian-oriented district. Entry features could include monument gateways, distinct landscaping, pavers, banner poles, public art/sculpture, or other elements that identify the edge of Downtown.

4. Railroad Pedestrian Crossing and Courthouse Plaza

In addition to the recently completed pedestrian crossings at the train station, the City is constructing a plaza between the County Courthouse on Butterfield Boulevard and the pedestrian crossing east of the Depot Street/Third Street intersection. Designed to facilitate pedestrian travel from the Courthouse into Downtown, the Plaza is scheduled to be completed in January 2009. The Plaza will also serve as a demonstration site for sustainable design and landscaping techniques.

5. Facade and Private Signage Improvements

The City should emphasize improving the appeal of existing buildings to attract new customers and signal a resurgence of commitment to Downtown.

6. Downtown Logo and Identity Elements

A brand for Downtown will help the Downtown Association and business owners market it as a unified district. Downtown promotion is a crucial step to attracting more businesses and people to visit, shop, and dine in Downtown.

7. Public and Directional Signage Improvements

A unified design for Downtown signage and directional signage leading to Downtown will add to the other improvements noted above to establish a stronger sense of Downtown as a major community focal point. Signs directing motorists from U.S. Highway 101 will be especially important in attracting tourists and residents from surrounding communities. Improved signage will be linked closely with the Downtown Logo and Identity programs.

8. Coordinated Marketing, Leasing and Retail Strategies

The Redevelopment Agency, Downtown Association, Downtown PBID, and property and business owners should work together to create coordinated marketing, leasing and retail strategies.

PHASE 2 (3 TO 5 YEARS)

1. Additional New Parking Lots and/or Parking Structures

New or improved parking facilities will be needed to accommodate additional businesses and residences Downtown. The Parking Resources Management Strategy (see Chapter 4 for a summary) provides greater detail to the location and size of facilities.

2. Other Streetscape Improvements for Downtown Streets

Other streets in Downtown will transition over time from their existing development to new uses and developments. As redevelopment occurs, these streets should be improved with wider sidewalks (as feasible) and landscaping. Each street will have different uses and building types so the layout for each may vary slightly.

3. Neighborhood Streets Landscaping and Urban Design Improvements

Property improvements will occur in areas away from Monterey Road and Third Street over an extended period of time. These improvements will provide visual unity. Improvements should include regularly spaced shade trees, sidewalk improvements, and other improvements to enhance the urban design of these streets.

4. Re-Route Depot Street To Connect to Church Street

If the Community & Cultural Center parking lot is modified or a parking structure created on this lot during Phase 2, then Depot Street should be re-routed through the existing Community & Cultural Center parking lot, to connect to Dunne Avenue at the existing Church/Dunne traffic signal, to create an intersection. This would allow Depot Street to remain connected to Dunne Avenue even when the Dunne/UPRR grade separation project occurs. This project should be designed in a manner that allows sufficient site area for structured parking, accommodates private property access requirements, and facilitates pedestrian travel to CCC and Gavilan College uses. This project may not occur until Phase 3 or later, depending upon the method of

implementing the parking strategy or circulation strategy.

PHASE 3 (6 or More Years)**1. Additional New Parking Lots and/or Parking Structures**

New or improved parking facilities will be needed to accommodate additional businesses and residences Downtown. The Parking Resources Management Strategy (see Chapter 4 for a summary) provides greater detail to the location and size of facilities.

2. Monterey Road Narrowing and Streetscape Improvements

The City of Morgan Hill has studied a possible Circulation Element Amendment to narrow Monterey Road from 4 lanes to 2 lanes, between Main and Dunne Avenues. This Downtown Specific Plan will accommodate any decision that may be made regarding Monterey Road through the downtown area; the goals of the Plan can be met with Monterey Road remaining 4 lanes, and could also be met under a 2-lane Monterey Road configuration. Decisions about the configuration of Monterey Road through Downtown will be made in the context of the Circulation Element of the General Plan, not the Downtown Specific Plan. Streetscape improvements along Monterey Road should be given a high priority, under either the existing 4-lane configuration or the possible 2-lane configuration. The City should carry out a Monterey Road Streetscape alternatives design planning process, with broad public participation, in order to develop the preferred improvements for Monterey Road.

There are a variety of options for use of the right-of-way if Monterey Road is reduced to two vehicular travel lanes. Some of these options include the addition of either bike routes or “sharrows” through Downtown, widening of sidewalks, establishment of outdoor dining areas, and the construction of angled parking to increase parking resources. The center median could be retained, renovated with new landscaping, or eliminated. The specific use of the right of way would be subject to a community design planning process.

3. North and South Monterey Road Streetscape Improvements

Street trees, improved sidewalks and landscaped medians on Monterey Road north and south of Downtown will provide attractive linkages to Downtown, and assist in calming the traffic since the street would no longer visually resemble a highway.

4. Upper Llagas Creek Flood Control Improvements

This will be an on-going process that will take some time given the number of agencies involved and the limited funding currently available.

5. Upper Llagas Creek Landscaping and Bicycle Paths

Improved linkages with Downtown will enhance its role as the social heart of the City and encourage greater use of the commuter rail system. If feasible, landscaping improvements and creek path should be constructed through Downtown in conjunction with flood control improvements.

6. Railroad Corridor Landscaping

Landscaping along the railroad corridor

is encouraged to provide a more aesthetically pleasing atmosphere along the corridor and to shield views of and reduce noise from passing trains. These improvements will become more important as the County Courthouse and other development occurs along Butterfield Boulevard.

7. Dunne Avenue Urban Design Improvements

Design improvements along Dunne Avenue will provide attractive visual linkages to Downtown and will likely be implemented in the context of larger City beautification actions.

8. Potential Additional Grade-Separated Railroad Crossing for Pedestrians, Bicycles and Emergency Vehicles

The feasibility of a grade-separated railroad crossing should be studied, and if feasible, constructed. The crossing should accommodate pedestrians and bicyclists and, if feasible, emergency vehicle access. If the California High Speed Rail is constructed above the existing railroad tracks, an underground crossing may be more feasible. If determined feasible and if funding is secured, this crossing could be constructed concurrently with the future fire station.

It may be that the most viable location for such a crossing would be closer to Diana Avenue; emergency vehicles could travel on Diana and/or through the Courthouse parking lot to an undercrossing of the railroad tracks, with the connection ending near a relocated Depot Street in an area that is now the Community & Cultural Center parking lot, which is planned for reconfiguration.

Subsequent Development Entitlements and Permits

Proposed projects that meet the overall intent of the Specific Plan but which are not in substantial conformance with the development standards of the applicable zoning district, will need to file an application for rezoning as a Planned Development pursuant to Chapter 18.30 (Planned Development District) of the Zoning Ordinance. The Planned Development (PD) process allows for variations to standard development requirements. As an example, if a 5-story development were to be proposed on the current site of the VTA/Caltrain parking lot on Block 16, this would need to be pursued as a PD rezoning which would also amend the Specific Plan land use map.

Encroachment permits are required for any property that places an object within the public right-of-way pursuant to Chapter 12.04 (Sidewalk Encroachment) of the Municipal Code.

Conditional Use permits are required for uses or development proposals listed as conditional uses in the district regulations in Chapter 2 (Land Uses and Development Standards) of this Specific Plan or elsewhere in the Zoning Ordinance. Chapter 18.54 (Conditional and Temporary Use Permits) of the Zoning Ordinance provides more details and regulations for conditional use permits.

Temporary Use Permits are required for uses of a temporary nature on private property for a specified length of time. Chapter 18.54 (Conditional and Temporary Use Permits) of the Zoning Ordinance provides more details on Temporary Use Permits.

A Development Agreement is required for projects proposing to secure some of the 500 “exempt RDCS allotments”, which must be processed concurrently with the Design Permit application.

Downtown Administrative Use Permits are required to permit commercial, professional and medical office, live/work, and personal services uses to locate on the ground floor of parcels within the Ground Floor Overlay (see Chapter 2: Land Uses and Development Standards, of this Specific Plan or Chapter 18.23: GF Downtown Ground Floor Overlay District, of the Zoning Ordinance).

Design Permits are required for projects located in the Downtown, pursuant to Chapter 18.74 (Design Review) of the Zoning Ordinance. Within the 18-block Specific Plan area, noticed public hearings shall be held for all projects subject to Design Permit requirements. The Community Development Director shall determine the appropriate process for consideration of Design Permits; smaller or more minor projects may be acted upon by staff in accordance with Chapter 18.74, while larger and more significant projects should be referred to the Planning Commission or City Council. Any Design Permit which involves Redevelopment Agency or City-owned sites, or for which the RDA is entering into an Agreement to assist with the development, should be acted upon by the City Council, after receiving a recommendation from staff and/or the Planning Commission, as determined by the Community Development Director (minor projects may be approved by staff).

Entertainment Permits would be required from the Chief of Police for any establishment providing entertainment or dancing in conjunction with the selling of food and/or alcoholic beverages (see Chapter 5.28: Amusement and Entertainment Premises, of the Municipal Code).

Key Opportunities for Public/Private Redevelopment and Improvements

Figure 30 shows key opportunities for public and private redevelopment areas and improvements. The process for several of these has already begun. These opportunities are described below.

1. Third Street Promenade

The City received a grant for streetscape improvements along this corridor. Development along this corridor will enhance the pedestrian environment and take advantage of the nearby train station. It will also provide a public plaza to accommodate public events and activities.

2. Monterey Road Improvements

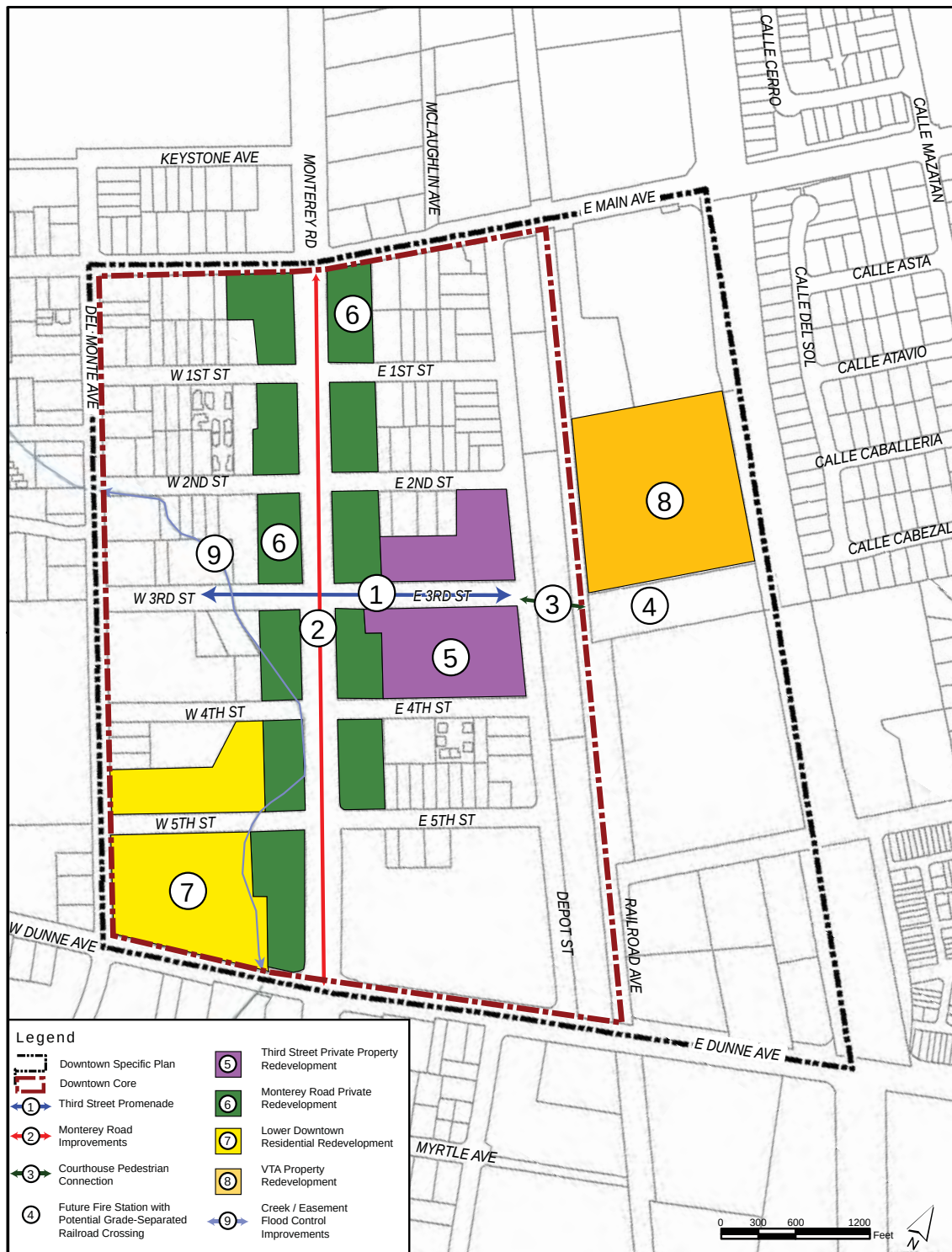
Monterey Road is a major regional road and is the main street through the Downtown Core. The street is designed currently with on-street parallel parking, two travel lanes in each direction, and a wide median. This corridor could be reduced to one travel lane in each direction to accommodate on-street parking (which could be either angled and/or parallel) and wider sidewalks. This could increase the parking supply and would help create a more pedestrian friendly environment. A future streetscape planning process with public participation opportunities will determine the use of the right of way and design of improvements.

3. Courthouse Pedestrian Connection

The City is constructing a plaza between the County Courthouse on Butterfield Blvd. and the Pedestrian Railroad Crossing just east of the corner of Depot and 3rd Ave. Designed to facilitate pedestrian travel from the Courthouse into Downtown, the Courthouse Plaza is scheduled to be completed in June, 2008. The Plaza will also serve as a demonstration site for sustainable design and construction techniques.

4. Future Fire Station with Potential Grade-Separated Railroad Crossing

The feasibility of a grade-separated railroad crossing should be studied, and if feasible, constructed. The crossing should accommodate pedestrians and bicyclists and, if feasible, emergency vehicle access. If the California High Speed Rail is constructed above the existing railroad tracks, an underground crossing may be more feasible. If determined feasible and if funding is secured, this crossing could be constructed concurrently with the future fire station. The possibility of adding a grade-separated undercrossing of the railroad tracks for pedestrians, bicycles and possibly emergency vehicles, should be studied. It may be that the most viable location for such a crossing would be closer to Diana Avenue; emergency vehicles could travel on Diana and/or through the Courthouse parking lot to an undercrossing of the railroad tracks, with the connection ending near a relocated Depot Street in an area that is now the Community & Cultural Center parking lot, which is planned for reconfiguration.



Key Opportunities for Public/Private Redevelopment & Improvements

Figure 30

5. Third Street Private Property Redevelopment

Several property owners along Third Street have expressed an interest in redeveloping their properties. The largest site along the corridor, the Sunsweet site, has preliminary plans and the City adopted a PUD for the site in 2005, however, that PUD zoning will be superseded by the standards in this Specific Plan with the adoption of this Specific Plan.

6. Monterey Road Private Redevelopment and Public/Private Partnerships

Monterey Road is the main street through the Downtown Core and several property owners have expressed an interest in redeveloping their properties. The City of Morgan Hill has also purchased several Downtown properties and intends to seek one or more developers to enter into public/private partnership to develop the sites.

7. Lower Downtown Residential Redevelopment

This Specific Plan proposes changing the General Plan land use designation and Zoning Code classification for several properties at the southwest corner of the Specific Plan area. Properties include select parcels west of Monterey Road and along Fourth Street, Fifth Street, and Dunne Avenue. Allowed density for these parcels would increase to up to 21 dwelling units per acre.

8. VTA Property Redevelopment

This site would accommodate a residential transit-oriented development. The Parking Resources Management Strategy (see Chapter 4 for a summary) describes the process for shared parking.

9. Creek / Easement Flood Control Improvements

The Santa Clara Valley Water District and the City have created preliminary plans for flood control improvements along Upper Llagas Creek through the Downtown area. Due to the right-of-way constraints, providing a Downtown trail may not be feasible from Second Street to Fourth Street, Fifth Street to Dunne Avenue, and along Monterey Road. Right-of-way widths to the north and south of these points in the Downtown area are less restrictive and a trail may develop in these areas. If a trail connection through Downtown is not feasible along the creek, signs should be posted at the north and south of Downtown at the trailheads to direct pedestrians and bicyclists to use the sidewalks and bike lanes through Downtown, and then connect to the other trailheads.

Relationship to the General Plan

The Morgan Hill General Plan was adopted by the City Council in 2001 and amended in 2005. The Morgan Hill Downtown Specific Plan is consistent with the General Plan, with adoption of General Plan amendments to reflect the land use and circulation policies of the Specific Plan. The General Plan references the 2003 Morgan Hill Downtown Plan and identifies the Downtown area as a unique planning area.

The General Plan identifies a series of goals, policies, and actions within seven elements: Community Development, Economic Development, Circulation, Open Space and Conservation, Public Health and Safety, Regional Coordination, and Housing. These goals, policies,

and actions cover a variety of topics such as ensuring that Morgan Hill remains a unique place that is safe, has active businesses, and supports a range of transportation options. The Morgan Hill Downtown Specific Plan is consistent with and reinforces the goals and policies of the General Plan. The Specific Plan builds on the existing General Plan goals and policies and tailors them to the Downtown area. The General Plan will be amended as needed to reflect this Specific Plan.

Table 2 on page 16 of the Morgan Hill General Plan will be amended to create a new General Plan land use designation to accommodate the unique provisions established for the Central Business District, as follows:

Land Use Designation	Acres	Primary Uses	Density Range	Minimum Lot Area	Maximum Bldg Lot Coverage	Maximum Height*
Mixed Use-CBD	45	Downtown	no min / no max	3,500 sf	NA	2-story: 35' to roof plate 3-story: 45' to roof plate 4-story: 55' to roof plate

* additional height would be considered under a Planned Development (PD) rezoning

Page 18 of the Morgan Hill General Plan shall be amended to delete the current text description of “Mixed Use”, and to substitute the following:

Mixed Use. The Mixed Use designation has two expressions: the “Mixed Use-CBD” is applied to certain Central Business District (CBD) parcels within the Downtown Specific Plan area, and the Downtown Specific Plan is adopted as the General Plan land use map, goals, policies, programs and zoning standards applicable to the Downtown. The remainder of the “Mixed Use” locations, totalling approximately 23 acres, are located in areas near downtown, and the density range provides for 8 to 20 units per acre, as implemented by the Central Commercial-Residential (CC-R) zoning district.

The General Plan shall also be amended to include a policy to allow the Multi-Family Medium land use category to allow for Commercial Use Overlay Zoning to be placed on the residentially-designated portion of Downtown Plan Block 20, to allow commercial uses within existing buildings through obtaining a Commercial Administrative Use permit, during the time prior to redevelopment of the residentially-designated portion of the block with residential uses.

CEQA Compliance

Adoption of the Downtown Specific Plan constitutes a project under the California Environmental Quality Act (CEQA). A Master Environmental Impact Report (MEIR) has been prepared in accordance with CEQA to identify potentially significant impacts and mitigation and avoidance measures to be implemented to address these impacts. Subsequent projects will rely upon this Master EIR and shall be subject to the mitigation and avoidance measures. A summary of these mitigation and avoidance measures is contained as the last section of this Chapter 8.

The Morgan Hill City Council has certified the Final MEIR in conjunction with approving the Downtown Specific Plan, and has made appropriate findings and adopted a Statement of Overriding Considerations for impacts that cannot be fully mitigated to a less than significant level.

Subsequent Projects

Projects proposed subsequent to city adoption of this Specific Plan that are consistent with the Plan and within the descriptions of public projects and within the “development envelope” of projected development to 2030 will be able to use the Master EIR as their CEQA document for at least 5 years, and possibly longer, if the required findings for use of a Master EIR can be met.

It must be emphasized that the phasing assumptions are not intended to and will not be interpreted to act as a geographic or numeric constraint to the location, level and/or timing of development. Under the adopted Specific Plan and Master EIR, other blocks or portions of blocks may develop sooner or later than the projections in Chapter 2 of this Plan. The overall level and location of actual development will be monitored by the City to ensure that land use regulations, parking supply and management activities, and environmental (CEQA) compliance is appropriate to actual conditions over time.

Relationship with Other City Policies and Programs

Residential Development Control System (RDCS)

Morgan Hill voters approved a ballot measure in May 2009 to exempt 500 residential units from the RDCS process within the Downtown area (Blocks 1 – 20), within the city's current RDCS population cap of 48,000 persons in the year 2020. The 500 units represents an average of 45 units per year. Under Measure F, there are another 100 allotments for downtown that can be obtained without competing (although projects must be reviewed to ensure that the RDCS minimum score is obtained). Under the exemption, residential and mixed use development in Downtown that are consistent with the Specific Plan will need to secure a Design Permit, Development Agreement and Building Permit, with some uses also requiring a Conditional Use Permit or DAUP. If a project proposes a change to the Specific Plan development standards, a Planned Development zoning designation would be required, but the residential units would still be exempt from the RDCS.

See Chapter 2 (Land Uses and Development Standards) for additional information.

Administration of the Specific Plan

The Morgan Hill Downtown Specific Plan represents a long-term plan for the Downtown area. Buildout will be monitored by City Staff to ensure that added development does not exceed projections included in this Specific Plan. Once development projections are exceeded, it will be necessary to prepare/update the Master EIR in accordance with CEQA.

It may be necessary to modify certain components of the Specific Plan either to reflect changing conditions or to update the City's goals and policies. Modifications to the Morgan Hill Downtown Specific Plan should:

- be consistent with and strengthen the elements of the General Plan;
- be consistent with the goals, objectives, and policies of the General Plan and the Morgan Hill Downtown Specific Plan;
- maintain compatibility of land uses within the Downtown Core and surroundings; and
- be consistent with other applicable City policies and programs.

Summary of Impacts and Mitigation & Avoidance Measures from Master Environmental Impact Report (MEIR)

The Master EIR presents impacts and mitigation/avoidance measures for two timeframes: 2015 and 2030, and for two possible configurations of Monterey Road in the downtown between Main Avenue and Dunne Avenue. The Downtown Specific Plan Project approved by the City of Morgan Hill in 2009 consists of “The Project”, which assumes Monterey Road remains 4 lanes through the Downtown. The “Project Alternate” information presented in the Master EIR pertains to the configuration of Monterey Road as a 2-lane facility, and impacts/mitigation measures applicable to the Project Alternate are denoted by addition of “-A” to the impact/MM numbering system.

The following mitigation measures and avoidance measures shall be imposed as conditions of approval for development projects, or otherwise carried out by the City of Morgan Hill, Morgan Hill Redevelopment Agency, or other appropriate entity, as described in the Mitigation Monitoring and Reporting Program (MMRP) adopted in conjunction with certification of the Master EIR and adoption of the 2009 Downtown Specific Plan.

Summary of Significant Impacts

The following information summarizes the significant effects of the proposed project and mitigation measures proposed to reduce these effects. Impacts that are less than significant are not described in this summary and can be found in the text of the MEIR. A complete description of the project and of its impacts and proposed mitigation measures can be found in the text of the MEIR.

Significant Impact	Mitigation and Avoidance Measures
Transportation Impacts	
Impact TRANS-1: Under 2015 conditions, the proposed project would exacerbate LOS D intersection operations at Monterey Road/Main Avenue during the AM peak hour. (Significant Impact)	MM TRANS-1.1: <u>Monterey Road/Main Avenue.</u> The addition of 2015 project traffic volumes would exacerbate LOS D intersection operations during the AM peak hour. The mitigation required to reduce the impact from the proposed project to less than significant during the AM peak hour would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)

Significant Impact	Mitigation and Avoidance Measures
Impact TRANS-1a: Under 2015 conditions, the project alternate would result in impacts to the intersection of Monterey Road/Main Avenue (LOS F during AM and LOS D- during PM peak hour). (Significant Impact)	MM TRANS-1a.1: <u>Monterey Road/Main Avenue.</u> The addition of 2015 traffic volumes on the project alternate roadway network would exacerbate LOS D intersection operations to LOS F and LOS D- during the AM and PM peak hours, respectively. The mitigation required to reduce the impact from the project alternate to less than significant during the AM and PM peak hours would be to provide for Main Avenue protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., a separate left, through, and right lane with an overlap phase). The southbound approach would need to be widened to include two southbound left-turn lanes, a through lane, and a right-turn lane. These improvements would not conflict with the narrowing of Monterey Road from four to two lanes. The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)

Significant Impact	Mitigation and Avoidance Measures
Impact TRANS-2a: Under 2015 conditions, the project alternate would result in impacts to the intersection of Dunne Avenue/Monterey Road (LOS D during PM peak hour). (Significant Impact)	MM TRANS-2a.1: <u>Monterey Road/Dunne Avenue.</u> The addition of 2015 traffic volumes on the project alternate roadway network would degrade acceptable (LOS D+) operations to LOS D operations during the PM peak hour. The mitigation required to reduce the impact from the project alternate to a less than significant level during the PM peak hour would be to provide for Dunne Avenue an eastbound right-turn overlap phase and a southbound approach with a left-turn, through lane and shared through-right lane. This configuration would be inconsistent with narrowing Monterey Road from four to two lanes between Dunne Avenue to Fifth Street and would require modification of the narrowing proposed under the Project Alternate to retain four lanes on Monterey Road between Dunne Avenue and Fifth Street. During a future Monterey Road streetscape planning process, the City of Morgan Hill should explore feasibility and desirability of retaining additional lanes in the block of Monterey Road between Dunne Avenue and Fifth Street; however, with the current project alternate roadway network, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)
Impact TRANS-4: The proposed Specific Plan, under 2030 conditions, would degrade Monterey Road/Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. (Significant Impact)	MM TRANS-4.1: <u>Monterey Road/Main Avenue.</u> The addition of 2030 traffic volumes would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS E and LOS D- during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening of the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)

Significant Impact	Mitigation and Avoidance Measures
Impact TRANS-4a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Monterey Road intersection operations from LOS D to LOS F and LOS E during the AM and PM peak hours, respectively. (Significant Impact)	MM TRANS-4a.1: <u>Monterey Road/Main Avenue.</u> The addition of 2030 traffic volumes on the project alternate roadway network would degrade the Monterey Road and Main Avenue intersection operations from LOS D to LOS F and LOS E during the AM and PM peak hours, respectively. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The southbound approach would also need to be widened (i.e. two southbound left-turn lanes, a through-lane, and a right-lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue. The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)
Impact TRANS-5: The proposed Specific Plan, under 2030 conditions, would degrade Depot Street/Main Avenue intersection operations from LOS C to LOS E during the AM peak hour and would meet the peak hour signal warrant criteria. (Significant Impact)	MM TRANS-5.1: <u>Depot Street/Main Avenue.</u> The addition of 2030 traffic volumes would degrade the Depot Street/Main Avenue intersection operations from LOS C to LOS E during the AM peak hour and the peak-hour signal warrant would be met. Signalizing this intersection would mitigate this impact to a less than significant level. It should be noted that signalization at this location was recommended in the Circulation Element update that is currently in progress. The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants. (Less Than Significant Impact with Mitigation)

Significant Impact	Mitigation and Avoidance Measures
Impact TRANS-5a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Depot Street intersection operations from LOS C and D to LOS E and F during the AM and PM peak hours, respectively, and would meet the peak hour signal warrant criteria. (Significant Impact)	MM TRANS-5a.1: <u>Main Avenue/Depot Street.</u> The addition of 2030 traffic volumes on the project alternate roadway network would degrade the Main Avenue and Depot Street intersection from LOS C and LOS E to an unacceptable LOS E and LOS F during the AM and PM peak hours, respectively. In addition, the peak hour warrant is exceeded during both peak hours. Providing a signal at this location would reduce this impact to a less than significant level and provide acceptable (LOS D+ or better) operations during both peak hours. It should be noted that the recommendation for a signal is also identified in the recommended roadway network for the General Plan Circulation Element update that is currently in progress. The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants. (Less Than Significant Impact with Mitigation)
Impact TRANS-6a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Hale Avenue intersection operations from LOS B to LOS E during the AM peak hour and would meet the peak hour signal warrant criteria. (Significant Impact)	MM TRANS-6a.1: <u>Main Avenue/Hale Avenue.</u> The addition of 2030 traffic volumes on the project alternate roadway network would degrade the intersection of Main Avenue and Hale Avenue from LOS B to an unacceptable LOS E during the AM peak hour. In addition, the peak hour warrant is exceeded during the AM peak hour. Providing a signal at this location would reduce this impact to a less than significant level and provide acceptable (LOS D+ or better) operations during both peak hours. It should be noted that the recommendation for a signal is also identified in the recommended roadway network for the General Plan Circulation Element update that is currently in progress. The City of Morgan Hill will monitor traffic at this location and provide for installation of a signal or make other improvements at the time the intersection is projected to operate at an unacceptable level and meet signal warrants. (Less Than Significant Impact with Mitigation)

Significant Impact	Mitigation and Avoidance Measures
Impact TRANS-7a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Dunne Avenue/Monterey Road intersection operations from LOS D+ to LOS D during the PM peak hour. (Significant Impact)	MM TRANS-7a.1: Dunne Avenue/Monterey Road. The addition of 2030 traffic volumes on the project alternate roadway network would degrade the intersection of Monterey Road and Dunne Avenue from an acceptable LOS D+ to an unacceptable LOS during the PM peak hour. The mitigation required to reduce the impact from the project alternate to a less than significant level during the PM peak hour would be to provide an eastbound right-turn overlap phase, and a southbound approach with a left-turn, through lane and shared through-right lane to operate acceptably (LOS D+ or better). This configuration would be inconsistent with narrowing Monterey Road from four to two lanes between Dunne Avenue to Fifth Street and would require modification of the narrowing proposed under the Project Alternate. During a future Monterey Road streetscape planning process, the City of Morgan Hill could explore feasibility and desirability of retaining additional lanes in the block of Monterey Road between Dunne Avenue to Fifth Street; however, with the current project alternate roadway network, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact)
Impact TRANS-8a: The proposed Specific Plan, under 2030 Project Alternate conditions, would degrade Main Avenue/Butterfield Boulevard intersection operations from LOS D+ to LOS D during the PM peak hour. (Significant Impact)	MM TRANS-8a.1: Main Avenue/Butterfield Boulevard. The addition of 2030 traffic volumes on the project alternate roadway network would degrade the intersection of Main Avenue/Butterfield Boulevard from an acceptable LOS D+ to an unacceptable level of service LOS D during the PM peak hour. This intersection requires a second northbound left-turn to operate acceptably. However, this improvement may require right-of-way from the northwest and southeast corners of the intersection, and physical constraints exist along the east side of Butterfield Boulevard due to the open canal. Overall, the implementation of a second northbound left-turn lane is considered physically feasible and would mitigate this impact to a less than significant level. The City of Morgan Hill will monitor traffic at this location and make necessary improvements at the time the intersection is projected to operate at an unacceptable level. (Less Than Significant Impact with Mitigation)

Significant Impact	Mitigation and Avoidance Measures
Impact TRANS-10: While implementation of some or all of the parking strategies outlined in the Specific Plan would increase parking supply in the Downtown to meet parking demand as development in the Downtown Core intensifies, the City has no adopted program to monitor parking availability and undertake measures to provide adequate supply. (Significant Impact)	MM TRANS-10.1: The City shall create a land use and parking database for the downtown area and shall be required to document the demand for parking from retail and office development and changes in parking supply through the preparation of a monitoring report submitted to the City Council every two years to ensure planning, regulatory, and construction measures are undertaken to provide adequate parking supply. Implementation of this measure would reduce the impact of the Specific Plan development on parking supplies to a less than significant level. (Less Than Significant Impact with Mitigation)
Noise and Vibration Impacts	
Impact NV-1: Residential development proposed under the Downtown Specific Plan would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from railroad noise. Exterior noise levels exceeding the acceptable General Plan standards would result in significant impacts to outdoor spaces in new residential development in the Downtown. (Significant Impact)	MM NV-1.1: Residential development shall be setback from traffic and railroad noise sources to reduce ambient noise levels in outdoor use areas to the extent feasible. Noise-sensitive outdoor spaces shall be shielded with buildings or noise barriers wherever possible. Residential development proposed under the Specific Plan shall strive to reduce traffic noise levels to 60 dBA L_{dn} or less and railroad train noise levels to 70 dBA L_{dn} or less in outdoor use areas through a combination of setbacks, noise barriers, and building design/layout. The specific determination of what treatments are necessary would be conducted on a project-by-project basis. Implementation of these measures would reduce noise impacts to outdoor use areas to a less than significant level for many of the proposed downtown residential units, however, even with incorporation of these mitigation measures to the extent feasible, the outdoor spaces for some residential units will continue to be impacted and, therefore, this impact is significant and unavoidable. (Significant Unavoidable Impact)

Significant Impact	Mitigation and Avoidance Measures
Impact NV-2: Interior noise levels would be reduced through the incorporation of standard measures, however, L_{max} noise levels of up to 110 dBA from train warning whistles, would exceed the City's L_{max} noise standards. (Significant Impact)	MM NV-2.1: Project-specific acoustical analyses shall be submitted for all residential and mixed-use projects where exterior noise levels exceed 60 dBA L_{dn}. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required for new residential uses adjacent to the UPRR, Monterey Road, or Butterfield Boulevard. Special building construction techniques (e.g., sound-rated windows and building facade treatments) would be required to reduce maximum instantaneous noise levels (L_{max}) to 50 dBA in bedrooms and 55 dBA in other habitable rooms. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible, and sensitive interior spaces should be located further from the railroad corridor. Projects shall also incorporate setbacks, as great as feasible, from the railroad corridor and construct noise barriers. The specific determination of what treatments are necessary would be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, would be submitted to the City along with the building plans and approved prior to issuance of a building permit. The City should also explore designation of the at-grade rail crossings as “quiet zones”. Quiet zones could be established so that trains would not be required to sound their warning whistles but would require greater safety controls at the crossings. Wayside horn systems could be installed at the at-grade crossings to confine horn noise only in the immediate vicinity of the crossings. For some downtown residential properties incorporation of project-specific noise reduction treatments will reduce this impact to a less than significant level; however, for many units on properties adjoining the railroad the interior L_{max} noise standards may not be met even with incorporation of feasible and best available methods and, therefore, this impact would be significant and unavoidable. (Significant Unavoidable Impact)
Impact NV-3: Residential uses allowed under the Specific Plan within approximately 50 feet of the UPRR would be subject to vibration from railroad trains that would exceed the FTA impact guidelines. (Significant Impact)	MM NV-3.1: Residential structures shall be located at least 50 feet from the nearest railroad track unless project specific vibration analyses indicate that vibration levels at the building site and/or the design of the project result in vibration levels of 75 VdB or less. (Less Than Significant Impact with Mitigation)

Significant Impact	Mitigation and Avoidance Measures
Impact NV-4: Construction activities, even with incorporation of standard measures, could impact noise sensitive receptors in the project area for more than one year. (Significant Impact)	MM NV-4.1: The following mitigation measures shall be implemented, as conditions of approval, in addition to construction hour limitations in the Morgan Hill Municipal Code, to reduce potential construction related noise impacts to nearby sensitive receptors: ▪ Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. ▪ Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers. ▪ Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials. ▪ Utilize “quiet” air compressors and other stationery noise sources where technology exists. ▪ The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. ▪ Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g, bad muffler, etc.) and would require that reasonable measures be implemented to correct the problem. Implementation of the mitigation and standard measures identified above, would reduce noise generated by construction projects in the Specific Plan project area, however, given the duration of time (greater than one year) that sensitive receptors may be exposed to construction noise, this impact would remain significant and unavoidable. (Significant Unavoidable Impact)

Significant Impact	Mitigation and Avoidance Measures
Air Quality Impacts Impact AQ-2: Projected new development through 2015 and 2030 under the proposed project would result in an increase in regional air pollutant emissions of ROG and PM₁₀ in excess of BAAQMD thresholds and, therefore, would result in significant impacts to regional air quality. (Significant Impact)	
	MM AQ-2.1: The Specific Plan shall be amended to require submission of an Air Quality and Transportation Demand Management (AQ-TDM) Plan as part of the Design Permit (Architectural and Site Review) application for review and approval by the Community Development Director. The AQ-TDM Plan will incorporate appropriate measures at appropriate locations as determined through the design permit process, such as the following, to reduce air quality impacts: ▪ Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, the nearest transit stop and nearby commercial areas. ▪ Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities. ▪ Allow only natural gas fireplaces. No wood burning devices would be allowed. ▪ Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc. ▪ Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development. ▪ Provide showers and lockers for employees bicycling or walking to work. ▪ Provide transit information kiosks and bicycle parking at commercial facilities. ▪ Provide secure and conveniently located bicycle parking and storage for workers and patrons. MM AQ-2.2: Public parking lots constructed or assisted by the City or Redevelopment Agency of Morgan Hill and private residential parking facilities of 50 spaces or more shall include the following amenities: ▪ Electric vehicle charging facilities. ▪ Preferential parking for Low Emission Vehicles (LEVs). The above measures have the potential to reduce project-related regional emissions by five to ten percent. A reduction of this magnitude would not reduce emissions to below the BAAQMD significance threshold of 80 pounds per day for ROG and PM₁₀. Project regional air quality impacts, therefore, would remain significant and unavoidable. (Significant Unavoidable Impact)

Significant Impact	Mitigation and Avoidance Measures
Impact AQ-5: D e m o l i t i o n and construction activities due to redevelopment in the Specific Plan project area, even with incorporation of City of Morgan Hill standard measures, may generate construction-period exhaust and fugitive dust that would temporarily affect local air quality. (Significant Impact)	MM AQ-5.1: The Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible demolition and construction dust control measures to reduce construction impacts to a less than significant level. The following construction practices shall be incorporated into dust mitigation plans implemented during demolition and construction phases of proposed development in the Specific Plan project area to reduce dust and exhaust emissions: ▪ Water active demolition areas to control dust generation during demolition of structures and break up of pavement. ▪ Cover all trucks hauling demolition debris from the site. ▪ Use dust proof chutes to load debris into trucks whenever feasible. ▪ Water all active construction areas at least twice daily. ▪ Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind. ▪ Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard. ▪ Pave, apply water three times daily, or apply (non toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. ▪ Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. ▪ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). ▪ Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). ▪ Limit traffic speeds on unpaved roads to 15 miles per hour. ▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways. ▪ Replant vegetation in disturbed areas as quickly as possible. AM AQ-5.1: The following additional measures recommended by the BAAQMD to reduce engine exhaust emissions: ▪ Use alternative fueled construction equipment, when feasible. ▪ Minimize idling time (five minutes maximum). ▪ Maintain properly tuned equipment. ▪ Limit the hours of operation of heavy equipment and/or the amount of equipment in use. (Less Than Significant Impact with Mitigation)

Significant Impact	Mitigation and Avoidance Measures
Hazards and Hazardous Materials	
Impact HM-1: Soil and/or groundwater in the project area may be contaminated by hazardous materials that could be disturbed, exposed, or released due to development and redevelopment in the project area. (Significant Impact)	MM HM-1.1: A Phase I Environmental Site Assessment shall be required for all properties proposed for redevelopment with residential uses where previous uses include industrial, commercial or agricultural use. If warranted, a Phase II Environmental Site Assessment shall be prepared which identifies specific remediation measures required to ensure the site is suitable for residential development. MM HM-1.2: If remediation activities are required on any parcel within the Specific Plan project area, these activities shall be carried out in accordance with a Remediation Plan prepared to address the findings of the Phase II Environmental Site Assessment. The Remediation Plan shall specify the cleanup levels that will be applied and the anticipated regulatory agency responsible for oversight. Potential impacts associated with the remediation activities, such as air and health impacts associated with excavation activities, transportation impacts from removal or remedial activities, and risk of upset in the event of an accident at the site or during transport of contaminated soil shall also be addressed to ensure no significant impacts from implementation of the Remediation Plan. MM HM-1.3: The Central Coast Regional Water Quality Control Board (RWQCB) and County of Santa Clara Department of Environmental Health Local Oversight Program (LOP) are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. In accordance with the Fuel Leak Site Case Closure for Unocal #6169 (Case No. 14-668, SCVWDID No. 09S3E28C03f), the County, RWQCB, and the Community Development Department shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells on the Unocal 76 station parcel of Block 14. A Clearance Letter from either of these agencies outlining site history and any requirements for cleanup or handling of residual contamination shall be submitted to the Community Development Director prior to the issuance of a site development permit. MM HM-1.4: The Central Coast Regional Water Quality Control Board and County of Santa Clara Department of Environmental Health Local Oversight Program are responsible for overseeing cleanup of contaminated soil and water and for overseeing development activities on contaminated sites. Prior to the issuance of a site development permit on Block 20, a Clearance Letter from either of these agencies outlining site history and requirements for cleanup or handling of residual hydrocarbon contamination on the site shall be submitted to the Community Development Director. (Less Than Significant with Mitigation)

Significant Impact	Mitigation and Avoidance Measures
Impact BIO-1: Tree removal during the nesting season could impact protected tree-nesting raptors. Any loss of fertile bird eggs, or individual nesting birds, or any activities resulting in nest abandonment during construction, would constitute a significant impact. (Significant Impact)	Biological Resources
	MM BIO-1.1: Removal of trees in the Specific Plan area could be scheduled between September and December (inclusive) to avoid the raptor nesting season and no additional surveys would be required. MM BIO-1.2: If removal of the trees on-site would take place between January and August (inclusive), a pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist to identify active nesting raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest until the end of the nesting activity. The applicant shall submit a report indicating the result of the pre-construction survey and any designated buffer zones to the satisfaction of the Community Development Director.
	(Less Than Significant Impact with Mitigation)

Significant Impact	Mitigation and Avoidance Measures
Cumulative Impacts	
Impact C-TRANS-1: The proposed project, along with other pending General Plan amendments, would result in significant cumulative impacts to three signalized intersections and one unsignalized intersection. (Significant Cumulative Impacts)	MM C-TRANS-1.1: <u>Monterey Road/Main Avenue.</u> The combination of cumulative traffic from all of the proposed projects and from implementation of the Project Alternate to narrow Monterey Road to one lane in each direction would cause the intersection to operate at LOS F during the AM and PM peak hours. To mitigate this impact, Main Avenue would need protected east/west phasing with modifications to the eastbound approach (i.e., a left-turn lane and a shared-through right) and widening the westbound approach (i.e., separate left, through, and right lane with an overlap phase). The southbound approach of Monterey Road would also need to be widened (i.e. two southbound left-turn lanes, a through-lane, and a shared through-right lane) and the northbound approach would require a northbound left-turn lane, a through-lane, and a shared through-right lane. The northbound approach would conflict with the potential narrowing of Monterey Road from four to two lanes between Main Avenue and Dunne Avenue. The implementation of this mitigation would require reduced travel lane and sidewalk widths below City standards due to the proximity of existing buildings. At the time the adjacent blocks redevelop with new buildings a lane could be added, however, one of the City's policies for the Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and roadway widths that do not increase the visual separation between uses or allow for increased vehicle speeds in pedestrian oriented areas. While redevelopment of the corner properties adjacent to the intersection of Main Avenue and Monterey Road conceivably could accommodate the necessary improvements, there is no assurance that the property owners will redevelop or that the City or RDA could acquire and redevelop these properties to meet all of the goals, objectives and design guidelines in the Downtown Specific Plan and, therefore, the impact at this intersection is significant and unavoidable. (Significant Unavoidable Impact) MM C-TRANS-1.2: <u>Monterey Road/Dunne Avenue.</u> The addition of cumulative traffic and the narrowing of Monterey Road would degrade the intersection operations from LOS D+ to LOS D during the PM peak hour. This intersection requires an eastbound right-turn overlap phase, and a southbound approach with a left-turn lane, through lane and shared through-right lane to operate acceptably (LOS D+ or better) and reduce the project's contribution to this cumulatively significant impact. These improvements (two southbound through lanes at this intersection) would conflict with narrowing of Monterey Road and the installation of traffic calming and pedestrian improvements evaluated as the project alternate.

Significant Impact	Mitigation and Avoidance Measures
	One of the City's goals for the proposed Downtown Specific Plan is to create a vibrant downtown destination with pedestrian-friendly amenities including widened sidewalks and traffic calming measures. This mitigation is not consistent with the priority of reducing vehicle speeds on Monterey Road and is not proposed by the project. During a future Monterey Road streetscape planning process, the City of Morgan Hill should explore the feasibility and desirability of incorporating this mitigation measure, to retain additional lanes in the block of Monterey Road, between Dunne Avenue and Fifth Street. (Significant Unavoidable Cumulative Impact) MM C-TRANS-1.3: <u>Main Avenue and Butterfield Boulevard.</u> The addition of cumulative traffic at this location would degrade the intersection operations from LOS C- and LOS D+ to LOS D during the AM and PM peak hours, respectively. This intersection requires a second northbound left-turn to operate acceptably. However, this improvement may require right-of-way from the northwest and southeast corners of the intersection, and physical constraints exist along the east side of Butterfield Boulevard due to the open canal. Overall, the implementation of a second northbound left-turn lane is considered physically feasible and would mitigate this impact to a less than significant level. The City of Morgan Hill will monitor this intersection and implement this measure at such time, based on monitoring of LOS and anticipated traffic from approved developments, that the intersection will degrade below an acceptable level of service. (Less Than Significant Cumulative Impact with Mitigation) MM C-TRANS-1.4: <u>Dunne Avenue and Del Monte Street.</u> The addition of cumulative traffic at this location would degrade intersection operations from LOS B to LOS E and LOS F during the AM and PM peak hours, respectively. The peak-hour traffic volumes at this intersection would meet the peak-hour signal warrant during the PM peak hour and installation of a traffic signal would mitigate the impact at this intersection and provide LOS C (20.6 seconds of average delay) and LOS C+ (20.8 seconds of average delay) operations during the AM and PM peak hour. The City of Morgan Hill will monitor this intersection and implement this measure at such time, based on monitoring of LOS and anticipated traffic from approved developments, that the intersection will degrade below an acceptable level of service. (Less Than Significant Cumulative Impact with Mitigation)

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