

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

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

Comments and Responses

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

Response to Sullivan Letter

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

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

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

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

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

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

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

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

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

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

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

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

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

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

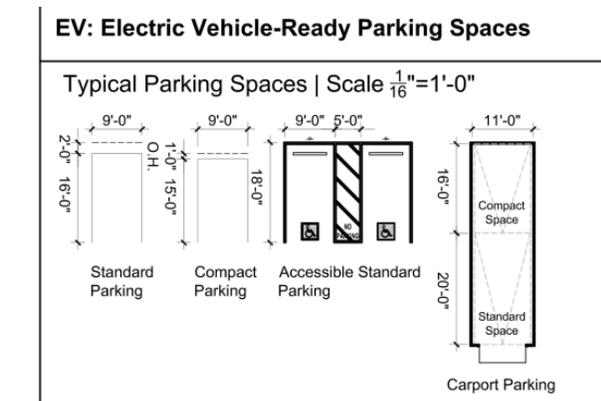
Planning Response: See response to No. 9.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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